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# ENVIRONMENTAL ASSESSMENT BOARD

**VOLUME:** 360

**DATE:** Tuesday, March 3, 1992

**BEFORE:**

A. KOVEN Chairman

E. MARTEL Member

**FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416)963-1249**

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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL  
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR  
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental  
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental  
Assessment for Timber Management on Crown  
Lands in Ontario;

- and -

IN THE MATTER of a Notice by The Honourable  
Jim Bradley, Minister of the Environment,  
requiring the Environmental Assessment  
Board to hold a hearing with respect to a  
Class Environmental Assessment (No.  
NR-AA-30) of an undertaking by the Ministry  
of Natural Resources for the activity of  
Timber Management on Crown Lands in  
Ontario.

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Hearing held at the offices of the Ontario  
Highway Transport Board, Britannica Building,  
151 Bloor Street West, 10th Floor, Toronto,  
Ontario, on Tuesday, March 3rd, 1992,  
commencing at 9:00 a.m.

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VOLUME 360

BEFORE:

MRS. ANNE KOVEN  
MR. ELIE MARTEL

Chairman  
Member







A P P E A R A N C E S

MR. V. FREIDIN, Q.C.	)	MINISTRY OF NATURAL
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MS. K. MURPHY	)	
MR. B. CAMPBELL	)	
MS. J. SEABORN	)	MINISTRY OF ENVIRONMENT
MS. N. GILLESPIE	)	
MR. R. TUER, Q.C.	)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN	)	ASSOCIATION and ONTARIO
MS. E. CRONK	)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY	)	ASSOCIATION
MR. D. HUNT	)	
MR. R. BERAM		ENVIRONMENTAL ASSESSMENT BOARD
MR. J.E. HANNA	)	
DR. T. QUINNEY	)	ONTARIO FEDERATION
MR. D. O'LEARY	)	OF ANGLERS & HUNTERS
MR. D. HUNTER	)	NISHNAWBE-ASKI NATION
MR. M. BAEDER	)	and WINDIGO TRIBAL COUNCIL
MS. M. SWENARCHUK	)	FORESTS FOR TOMORROW
MR. R. LINDGREN	)	
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I N D E X   O F   P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>BUD DICKSON,</u> <u>ROBERT STEWART,</u> <u>TERRY QUINNEY; Resumed.</u>	62662
Continued Direct Examination by Mr. O'Leary	62662





I N D E X   O F   E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
2136	Study entitled: Access Plan Review prepared for MTR stamped received December 3, 1990 authored by Hilderman, Witty, Crosby Hanna and Associates.	62678
2137	Five coloured photographs re: situation in relation to Straw Lake.	62689
2138	19-page document consisting of study entitled: Forestry Impacts on Remote Tourism with three case studies attached and several letters and response from MNR, summary of Market Value of Tourism Lodges, and summaries prepared by Northern Ontario Resort Tavern/Hotel Association.	62741
2139	Five-page document entitled: Overview of the Outfitting Industry in Ontario by Northern Ontario Tourist Outfitters Association.	62747
2140	Eight-page document consisting of hard copies of overheads to be used by Mr. Stewart in oral evidence.	62760
2062A	Amended document with revised first page (Exhibit 2062) to be used by Mr. Stewart in oral evidence.	62766
2141	Copy of Figure 1 from Exhibit 2037, page 30, with a revision re steps 1 through 10.	62824
2142	Hard copy of an overhead projection entitled Annual Work Schedule Planning Sequence and graphic depiction of the Coalition's process of implementing the annual work schedule.	62830





1 ---Upon commencing at 9:00 a.m.

2 MADAM CHAIR: Please be seated.

3 Mr. O'Leary.

4 MR. O'LEARY: Madam Chair.

5 BUD DICKSON,  
6 ROBERT STEWART,  
TERRY QUINNEY; Resumed.

7 CONTINUED DIRECT EXAMINATION BY MR. O'LEARY:

8 Q. Mr. Dickson, I wonder if I could turn  
9 to you first this morning. Yesterday we reviewed your  
10 curriculum vitae in detail and you gave us some  
11 indication of some of the experiences and  
12 qualifications that you have to give evidence in this  
13 hearing.

14 I'm wondering if there's any additional  
15 information that you would like to bring to the  
16 attention of the Board as to why you are here and the  
17 qualifications and experience you have to give evidence  
18 in the matters set out in the witness statement and  
19 about which you're about to speak.

20 MR. DICKSON: A. I think it's important  
21 to recognize the fact that I reside in Atikokan Ontario  
22 on a year-round basis and I have lived there all my  
23 life.

24 As I explained yesterday, Canoe Canada  
25 Outfitters does not just cater to canoe -- the people

1 that want to go and enjoy a canoe outfitting  
2 experience, we cater to a much larger section of the  
3 remote tourist trade and fly-in hunting and fishing  
4 business, and I thought that I should just take a  
5 minute and explain briefly what we mean by a fly-in  
6 experience, and I don't want to take more time than  
7 necessary.

8 But remoteness is directly related to  
9 fly-in in our business, normally associated with float  
10 planes and, in some cases, remote landing strips for  
11 wheeled aircraft and particularly way up north where  
12 there's been an abandoned mine or something and we make  
13 use of that.

14 With that, the tourists usually come with  
15 only the clothes on their back and, in most cases, they  
16 don't bring with them a fishing rod, only their  
17 personal items. The operator caters to them on that  
18 basis, and there's a saying in the industry: They  
19 bring only a little with them and they leave a lot.  
20 That's the tourist that we tend to attract in this  
21 type -- for this type of experience.

22 The main base fly-in operations is a step  
23 above that, in that they too come for other reasons,  
24 conferences, and generally are subject to American plan  
25 where they receive all their meals, et cetera.



1                   So those, the outpost which is just a  
2                   little cabin on a remote lake and, like the pileated  
3                   woodpecker, a little tree there he needs that and we  
4                   had to fit into the process. That's been difficult for  
5                   our industry, and I became involved in this process  
6                   because NOTOA -- the executive NOTOA and their  
7                   membership were extremely interested and very concerned  
8                   with the future of that aspect of the industry.

9                   The Coalition was formed and, therefore,  
10                  I'm here on behalf of NOTOA representing the Coalition  
11                  and I must emphasize that I have an extreme personal  
12                  interest in this. My livelihood depends on it and the  
13                  livelihood of several other people in my community and  
14                  communities likewise.

15                 This sector of the industry is -- it's  
16                 difficult to define in other terms other than it's been  
17                 referred to as a scattered, fragmented industry. Every  
18                 community in the north has the ability to entertain a  
19                 remote tourism industry base and that goes for a Native  
20                 community to a railway stop.

21                 For many years that wasn't recognized by  
22                 we as Canadians and Ontario residents and it was just  
23                 those that saw it as an opportunity, maybe a little  
24                 ahead of their time, that took advantage of that and  
25                 worked it into the industry as we know it today.

1                   And one other last point in regards to  
2                   that is that many of our operators are traditionally  
3                   family businesses. Some of them are going back 60, 70,  
4                   80, 90 years and they passed it down, much like a farm,  
5                   and we're much like a farmer in those respects, that we  
6                   depend on a very, very high quality of service, but  
7                   it's based on a rich resource and when that resource or  
8                   the ability to access that resource is threatened, then  
9                   our livelihoods with it.

10                   You can offer a tremendous service, you  
11                   can have the highest quality equipment, but if you  
12                   don't have a resource to work with, you're going to be  
13                   in trouble. And it's because -- as one operator said,  
14                   we should be a featured species but rather we're an  
15                   endangered species, and the future for our industry, as  
16                   things now stand, is very scarey.

17                   And traditionally the forest management  
18                   practices of this province have not treated us kindly,  
19                   they have been very insensitive, they haven't  
20                   recognized our true value to the community as a whole,  
21                   they've worked with us and oftentimes we may see it as  
22                   tokenism. When mistakes have been made,  
23                   misunderstandings have happened, it's usually the  
24                   operator that pays a price or suffers. It's kind of  
25                   like we get bullied along by the big bully.

1                   We recognize the importance of that  
2     industry. Friends and neighbours of mine cut wood for  
3     a living. My brother has a logging truck, he loads  
4     wood for a company, he hauls wood. My brother-in-law  
5     works for Great Lakes Forest Products. My son would  
6     like a job in the logging industry as an experience and  
7     also it's a very high paying job, if you can get one.  
8     I personally cut wood in the winter off season for  
9     Domtar. So I understand the value of this.

10                  I'm not here today to suggest that  
11     tourism is more important or more valuable to the  
12     economy of northern Ontario or to the social fabric of  
13     these communities than the logging industry, I'm here  
14     to plead with the people out there, in particular, that  
15     they will try and understand our problems a little more  
16     sensitively and help us to fit into the overall plan as  
17     a partner and recognized in an equal way rather than  
18     getting kicked around and left in the dust.

19                  When we get into some examples today, we  
20     have operators that in development plans and meetings  
21     with district managers, land use planners concerned  
22     about road access and in their minds it's not going to  
23     happen, they go back and it has happened, nobody is  
24     there to fix them, there's no big brother.

25                  The forest industry, you have a big



1 brother the MNR, the tourism industry has a very little  
2 brother MTR. I don't know how to fix that, I don't  
3 have the power to do that.

4 They conduct economic impact studies,  
5 they're very sympathetic, we worked with the tourism  
6 consultants. Generally there's one consultant that  
7 might have to work with seven or eight TMPs at a time.  
8 As one retired consultant told me, he says, it's mind  
9 boggling, it's physically impossible.

10 So we feel, in a lot of cases, just a  
11 little left out, and we know that we're important and  
12 we know others know we're important. In the private  
13 life with forest managers and MNR employees, many times  
14 they will probably say, you know, you guys have a  
15 problem, we just don't know how to get ahold of it.  
16 You know, in terms of access we don't want to conflict  
17 with the public which -- before the public used to be  
18 OFAH and that was a big hurdle that we've overcome,  
19 we're now working with them saying, look it, if you  
20 recognize us, maybe the MNR will recognize us. And I  
21 know in some case it complicates their job, but our job  
22 is not complicated, it disappears.

23 Q. Mr. Dickson, can I ask you: You made  
24 mention a moment ago to the high quality of service  
25 which is important in the remote tourism industry. Can

1 you describe a little more for us what you mean by high  
2 quality service, the type of resources that its  
3 dependent upon?

4 A. Service, as we all know, comes in  
5 many different ways, but our accommodations have been  
6 consistently upgraded to make people as comfortable as  
7 they possibly can be made. We service them with the  
8 best equipment that we can get, boats, motors, canoes.

9 We have -- competition has forced us to  
10 do that and this is an extremely competitive business,  
11 not just for the people in Ontario, not just with our  
12 colleagues in the business, but with businesses from  
13 the northeastern United States, northcentral, midwest  
14 and other parts of the world. And so the industry has  
15 progressed, I think, to a high standard of quality and  
16 service.

17 That service is directly related again to  
18 the resource and when you can't have somebody come up  
19 and give them a five-star lodge with a swimming pool  
20 and a tennis court they're not -- and a nature trail  
21 and a wildlife viewing station and, you know, one  
22 fly-in resort has mountain bikes to go to an old mine  
23 on an old old road and have no fish or no game to  
24 catch, to photograph, to appreciate. Also, the clean  
25 water and the green aspect. If we don't have them, the

1 service doesn't matter, but they go hand in hand.

2 And I think that the industry has really  
3 made strides, and the old scenario used to be, the  
4 fishing's good, don't worry about them, fly them in  
5 there, you know, there's no stove in the cabin, the  
6 boats leak, but they'll be happy because they catch  
7 lots of fish. That was the old mentality, now the new  
8 mentality is, you know, give them good service, give  
9 them access to a good resource, make them responsible  
10 so that they're going to impact it as sensibly as they  
11 can so that their children can enjoy those same things  
12 and everybody will be happy, they'll come back for a  
13 return experience and, hence, jobs are created, et  
14 cetera, et cetera.

15 Q. All right. Do the members of NOTOA  
16 have a sense of what the demand is in Ontario or North  
17 America or, for that matter the world, for the type of  
18 high quality tourism which you are referring to?

19 A. There have been studies that suggest  
20 that adventure travel is definitely on the increase and  
21 we know that by the demands that the consumers put on  
22 us, what they expect in terms of the high quality  
23 overall experience, and when you have an operation on a  
24 lake that has been accessed, for instance by a road,  
25 the numbers of people that are involved that they have



1 to encounter during their vacation, the adverse effect  
2 it has on the -- access has on the resource as a whole  
3 leads to a poor quality experience and these people  
4 have other places to go.

5 Q. All right. Does NOTOA have any sense  
6 of what's happening in the area of the undertaking in  
7 terms of the size of the role of tourism industry?

8 A. The remote tourism industry makes up  
9 about 40 per cent of our operators and it's the high  
10 end of the 40 per cent.

11 Q. What do you mean by that?

12 A. They're the people that are, in other  
13 words, paying the big dollar, the top dollar for the  
14 experience.

15 Q. Right.

16 A. And they also are the people that  
17 expect high quality, as we just mentioned, resource and  
18 experience.

19 MR. MARTEL: Can you stop there.

20 MR. DICKSON: Yes, sir.

21 MR. MARTEL: When you say 40 per cent,  
22 are you saying 40 per cent of the industry is fly-in or  
23 did I misunderstand you?

24 MR. DICKSON: No. A recent survey of  
25 NOTOA members, a recent survey meaning in the last four

1 years I believe, it indicated that 40 per cent of our  
2 operators were dependent, to some extent, on remote  
3 industry. They have maybe main base would be drive in  
4 and have two outpost cabins.

5 MR. MARTEL: Has part of your problem  
6 been that you've tended to deal one-on-one, in other  
7 words, rather than presenting, if I can use the term,  
8 unified front you, in fact, go head on on one with an  
9 industry and that there aren't, at least from my  
10 perspective, I have not received enough information at  
11 this time - and we're now four years into the case - to  
12 have any idea or any understanding of how many lodges,  
13 lakes we're talking about.

14 Now, I've said that to your  
15 representative for a long time, that unless we know  
16 that it's very difficult for us to decide what type of  
17 order one issues, because we don't know what the  
18 effects of such an order could be.

19 If one were dealing with a thousand  
20 lakes, that's one thing; if one were dealing with  
21 50,000 lakes, that's another thing, but to not know  
22 what you're dealing with is asking someone to make a  
23 decision in the dark without having any idea of what  
24 the consequences would be.

25 And we're in Panel 9 now, which is the

1 last gasp if you don't give us something pretty soon  
2 that's very definitive so we have some idea, we can put  
3 it in some sort of perspective. But to not know - I  
4 think my colleague and I have wrestled with this, it's  
5 one of the problems we've wrestled with for a long  
6 time, you know - and to not know the numbers or have  
7 any idea what it is out there that we're dealing with,  
8 it's very, very difficult.

9 MR. O'LEARY: Mr. Martel, perhaps I can  
10 respond to the first portion of your question.

11 We have over the last several weeks been  
12 making diligent extensive efforts to try to come up  
13 with the numbers of the exact number or at least close  
14 to the exact number of tourism operations in the area  
15 of the undertaking.

16 I have personally talked to the director  
17 of the Ministry of Tourism and Recreation for the area,  
18 and both the regional directors, and I keep getting  
19 sent to the other person for the particulars of that.  
20 It's still our, we'd like to produce it, we're going to  
21 get it.

22 MR. MARTEL: Just a moment. We are now  
23 four years into this hearing and NOTOA had a lawyer for  
24 the first two and we didn't get much then, and it's now  
25 four years and despite - I'm not discrediting the



1 effort you're making at this time - it would be nice to  
2 have had something to try to put something in some  
3 context as we went along trying to fit that in with the  
4 problems of access, trying to fit it in with the other  
5 problems faced by those people who wanted to hunt, who  
6 wanted access as opposed to those -- and to not know  
7 even in the remotest way the numbers game of what we're  
8 talking about, or the consequences of any decision one  
9 might render is really, after four years...

10 And here we are talking this morning. I  
11 would have started from square one and said: Well, we  
12 know that there are 1,500 out there, we don't know how  
13 many lakes, but we've got about 1,500 operators, we  
14 would at least have some idea of what we're talking  
15 about, but we don't have that yet.

16 MR. O'LEARY: We will this morning  
17 indicate the number of members and the decrease in some  
18 of the remote tourism operations, but in terms of  
19 trying to tell you the exact number of tourist  
20 operations as identified on the maps, there are quite a  
21 few, and it's a matter of getting the documentation  
22 from the Ministry and somehow putting it into a  
23 readable form, and that's the difficulty we had, as we  
24 indicate to Mr. Beram, because we did have those maps  
25 with hundreds of simple licence registry numbers on

1       them that wouldn't be of any benefit to us.

2                       But if I could also add, sir, that the  
3       position of the Coalition is that the decision in  
4       respect of what will be the impact in terms of a  
5       decision within the FMU on the remote tourism  
6       operations, on tourism generally, is something that  
7       would be left up to the planning team and the public  
8       advisory committee.

9                       MR. MARTEL: But they're not writing the  
10       order, Mr. O'Leary, we are.

11                      MR. O'LEARY: No, I know.

12                      MR. MARTEL: And we have to know what--  
13       have some idea of what the consequences of an order  
14       might be, even to think about it, to think about what  
15       you would order in the final decision.

16                      I just don't have any feeling for what  
17       that could be. That's my frustration. I mean, I don't  
18       know how to put it in some sort of perspective.

19                      MR. STEWART: Can I add a little bit to  
20       that. I may be able to ease some of those fears, and  
21       I'm just going to briefly mention, and I'll talk about  
22       it after Mr. Dickson is finished, the planning process  
23       that we are proposing has built-in safeguards such that  
24       the commensurate terms - and I think Panel 8 probably  
25       referred to it - at the FMU level, that these factors

1 related to each of the economic importance in analysis  
2 will be built in to the whole planning process and it  
3 will occur from the bottom up.

4 And I think that when I go through the  
5 steps later I hope that I can make us all a little more  
6 comfortable about the safeguards and the safety nets  
7 are built in so that remote tourism doesn't become an  
8 activity that outweighs the importance of timber and  
9 what we want to do is create this balance. So I hope  
10 that...

11 MR. MARTEL: You see even that. I simply  
12 tell you that I started out by asking Mr. Dickson maybe  
13 the problem has been that, rather than deal as a  
14 unified group, they have dealt as individuals which  
15 would not be, I don't think, beneficial to them.

16 But unless you can portray for government  
17 what the effects are across an industry one can't make  
18 a very good case, I would think, that's strong enough  
19 to cause people to change attitude. I mean, if one  
20 just looks at one tourism operation, and I'm not saying  
21 one goes down the tube--

22 MR. DICKSON: Fair enough.

23 MR. MARTEL: --but it might mean six  
24 jobs, let's say. When you weigh that against something  
25 else, in isolation it doesn't look like a lot, except



1 for the guy that owns the outfit.

2 MR. DICKSON: Or the guys that lost their  
3 jobs and have no place to go.

4 MR. MARTEL: That's right.

5 MR. DICKSON: You understand the north as  
6 well as anybody.

7 MR. MARTEL: That's right.

8 MR. DICKSON: And to replace six jobs in  
9 a town like Atikokan or wherever, but I appreciate very  
10 much your concern and I do have some figures I was  
11 going to introduce, you know, and it's based on a 1979  
12 study by Northern Development, it was called A Hunting  
13 and Fishing Lodge Industry Survey and it involved both  
14 NOTOA members non-NOTOA members, and something like  
15 1,536 tourist operators, at that time they were  
16 identified as having an interest in remote tourism or  
17 tourism values. I think that's -- maybe that kind of  
18 led us astray there a little bit.

19 Since 1979 they estimate now that there's  
20 been a 25 per cent decline and now 1,145 operators.  
21 Now, those are some figures that NOTOA do have and some  
22 studies in conjunction with MTR and MNR.

23 MNR -- like Mr. O'Leary said, we called,  
24 it was MTR that told us how many outpost operations  
25 there are in the province and, I mean, they have maps,

1 we pay taxes with MNR and MTR, even they didn't seem to  
2 have a good handle on it.

3 But this plan that is entered as an  
4 exhibit, just take a very small area, in the Fort  
5 Frances area, I think they interviewed 14 - and there's  
6 like plans like this, the Spanish -- Upper and Lower  
7 Spanish Forest area - and this plan, if I could turn  
8 you to --

9 MADAM CHAIR: Are you referring to the  
10 Access Plan Review, Mr. Dickson?

11 MR. DICKSON: I'm sorry, right, the  
12 Access Plan Review, was prepared by the Ministry of  
13 Tourism and Recreation, Fort Frances District.

14 MADAM CHAIR: Excuse me, Mr. O'Leary,  
15 shall we give this an exhibit number?

16 MR. O'LEARY: Yes, please.

17 MR. DICKSON: Am I getting ahead of the  
18 game here?

19 MR. O'LEARY: They're going to mark it as  
20 an exhibit.

21 MADAM CHAIR: We will give this Exhibit  
22 No. 2136, and could you describe it, Mr. O'Leary.

23 MR. O'LEARY: It's entitled Access Plan  
24 Review and it's a study prepared for the Ministry of  
25 Tourism and Recreation by Hilderman, Witty, Crosby,

1 Hanna and Associates and there's a date stamp, Received  
2 December 3rd, 1990.

3 ---EXHIBIT NO. 2136: Study entitled: Access Plan  
4 Review prepared for MTR stamped  
5 received December 3, 1990  
6 authored by Hilderman, Witty,  
7 Crosby Hanna and Associates.

8 MR. O'LEARY: Q. But could I ask you,  
9 Mr. Dickson, when you came into possession of this  
10 document?

11 MR. DICKSON: A. Last week, and it was  
12 sent to me in the mail. As a matter of fact, I  
13 received it on Wednesday.

14 Q. All right.

15 A. And it's interesting to note that  
16 many of the people that appeared at the satellite  
17 hearing in Fort Frances two years ago are referred to  
18 in this study.

19 Q. All right. Perhaps I could ask you  
20 to turn to Roman numeral i of the study Mr. Dickson  
21 under Executive Summary. Looking at the first  
22 paragraph, is there any portion of that that you would  
23 like to highlight and you feel is important for the  
24 Board's attention should be drawn to?

25 A. Not to repeat things:

"Remote tourism has become an important  
dollar generator for Ontario."



1 The study area was the:

2 "In the area northest of Nestor Falls  
3 on and around Rowan Lake a number of camp  
4 operators are experiencing the beginning  
5 of remote tourism business decline..., et  
6 cetera.

7 It tells us that:

8 "Such impacts are more frequently caused  
9 directly or indirectly by permanent  
10 forestry road access development with its  
11 potential for facilitating vehicle and  
12 hence sport fishing and hunting access  
13 (ie competition); for noise impacts from  
14 road building, cutting operations..."

15 We know that, I've told you that, I mean,  
16 and I don't want to -- I know it's been a long four  
17 years, and I don't want to assume that I'm missing  
18 anything.

19 This study, we took -- if I went through  
20 this from page to page, I could tell you the concerns  
21 that I mentioned yesterday and this morning in 10  
22 minutes, address it, and it does show, as we are, a  
23 fragmented industry and in one little area the impact  
24 it had on 14. Now, if --

25 Q. And that's identified, Mr. Dickson,

1 in the third paragraph where it indicates that:

2 "Fourteen resort operators, four flying  
3 services and two outfitting/guide  
4 operators, involved in tourism in the  
5 Rowan Lake study area, were surveyed."

6 Can you tell me just what your sense is  
7 as to what percentage of the entire area of the  
8 undertaking the Rowan Lake study area would involve?

9 A. For the province or sunset country  
10 or--

11 Q. The area of the undertaking, being  
12 the area that's being considered in this hearing.

13 A. It represents a small portion, in  
14 terms of spinoff, other operators within the area, the  
15 14 resort operators, I suspect, are people that were  
16 directly impacted. There is a lot that wouldn't have  
17 been impacted by this activity. You know, I live 90  
18 miles away, I wasn't, but I have camps in the vicinity  
19 or a camp.

20 Q. All right. It goes on to say that:

21 "Based upon the information received from  
22 businesses surveyed industry norms and  
23 economic impact values, it is estimated  
24 that:...", it goes through a number of  
25 numbers, including total annual gross revenues of \$2.8

1 to \$3.2-million, the fact that flying services surveyed  
2 generated approximately 25 to 30 per cent of their  
3 annual revenues from tourism, and that there were  
4 spinoffs to the region's hospitality sector and they  
5 indicate above that they're only referring to  
6 restaurants and local hotels, are in the range of 135-  
7 to \$150,000.

8 Do those numbers seem consistent with  
9 your experiences in the area of the undertaking in  
10 respect of this type of business?

11 A. Yes, they would.

12 MR. MARTEL: 14 operators and the four  
13 flying services, are four of them part of the same or  
14 are these all different individuals? There's 14 resort  
15 operators, four flying operators and two outfitting.  
16 Are we talking about 20 operations or are we talking  
17 about 14?

18 MR. DICKSON: You're talking about 14  
19 resort operators and four flying services, Nestor  
20 Falls, Rusty Myers, Northern Wilderness --

21 MR. MARTEL: And two outfitting guide  
22 operators. So it's 20 operations in total.

23 MR. DICKSON: Right.

24 MR. O'LEARY: Q. Can I turn you to the  
25 very next page, Mr. Dickson, where the second paragraph



1 starts off and it states:

2 "The estimated annual economic of the  
3 study area's remote tourism industry  
4 is...", and it indicates tourist  
5 expenditures 3.1- to \$3.5-million, payroll impact 780-  
6 to 880,000, direct employment 26 person-years, and  
7 induced employment creation in related service, 12  
8 person-years.

9 Can you tell me, is that similar to your  
10 experience in the area of the undertaking in terms of  
11 the impact?

12 MR. FREIDIN: Well, wait a minute. I  
13 don't see how -- unless this witness has done a similar  
14 study, I don't see how he can speak to the dollars  
15 figures that occurred in other areas.

16 It would be difficult enough to  
17 cross-examine on this document where we don't have the  
18 author. To have this witness say that he thinks the  
19 numbers are similar, unless he's done a similar study,  
20 I think is of no value and is very prejudicial when I  
21 can't cross-examine on it.

22 MR. O'LEARY: Q. What's your view, Mr.  
23 Dickson, on whether or not the expenditures by tourists  
24 in the north have any impact on the local communities?

25 MR. DICKSON: A. I can tell you from my

1 own operation and working with other tourist operations  
2 in the industry that this is a similar story.

3 If you did this same study in Atikokan  
4 three years from now, after a similar access plan had  
5 been implemented, I would be very sure that you would  
6 find the same type of results as the other exhibit  
7 indicates from the Spanish Forest, basically the same  
8 thing, and that's another part on the other side of the  
9 province.

10 But there just haven't been, as Mr.  
11 Freedman I think it is mentioned, I have not  
12 commissioned a study and done one, but I've been  
13 involved in some and I know of some, and I suspect -  
14 I'm not an expert witness, I'm here as a lay person - I  
15 do suspect if a study was done like this for every  
16 forest timber management plan before the timber things  
17 took place and you did your research first, you would  
18 identify these and our job of being a threatened -- or  
19 our survival would be increased or, you know, the hope  
20 for survival would be.

21 And that's -- you know, we're always  
22 reacting to the plan, it's afterwards that this comes  
23 out and says: Oh.

24 Q. Mr. Dickson, it goes on to state in  
25 the next paragraph that:

1 "The estimated economic impact on the  
2 study area's remote tourism of the timber  
3 access roads is an annual loss of direct  
4 revenues: \$530,000... foregone  
5 investments (excluding aircraft  
6 purchases) in the past  
7 five years \$150,000; and the loss of  
8 direct employment of 5 person-years."

9 That's for this area. Can you tell us a  
10 little bit more about the impacts that you've noticed  
11 as a result of timber management activities around your  
12 area of operations?

13 A. In my own personal example with  
14 access to three camps, Pike Lake, Chief Peter,  
15 Mercutio, in the years that I've been in business some  
16 of those camps did at one time in gross sales up to  
17 \$40,000 and when you lose that access over a five-year  
18 period it doesn't take long to show these numbers, and  
19 that's just consistent across the province.

20 And so from my own personal experience,  
21 the one camp recently which I mentioned previously, you  
22 know, went from a hundred per cent occupancy to zero  
23 and, you know, we have a packet of letters from NOTOA  
24 operators that have been sent in.

25 Q. We'll come to those.



1 A. Okay.

2 MR. FREIDIN: Can you just name the lakes  
3 for me again.

4 MR. DICKSON: Pike, Chief Peter.

5 MR. FREIDIN: Chief Peter.

6 MR. DICKSON: Chief Peter, yeah, and  
7 Mercutio, and there's a long history with those, you  
8 know, among others.

9 MR. O'LEARY: Q. The very next sentence  
10 it states:

11 "The study identifies the need to avoid  
12 incremental planning. It recommends  
13 application of already available  
14 Integrated Resource Management  
15 principles..."

16 Just stopping there, can I ask you  
17 whether or not you have a view as to whether or not  
18 that statement is consistent at all with the terms and  
19 conditions that are being put forward for consideration  
20 by this Board by the Coalition?

21 MR. DICKSON: A. Yes, it most certainly  
22 is.

23 Q. Now, I understand, Mr. Dickson, that  
24 you've had a chance to briefly review this document.  
25 Are there any particular examples of the impacts that

1 are identified in this document which you would like to  
2 - draw to the attention of the Board?

3 A. I got a little rattled there and lost  
4 my flow. Yes, there are. The one particular one is, I  
5 thought you were a friend -- no, I'm sorry.

6 MADAM CHAIR: Mr. Martel is in a good  
7 mood today, Mr. Dickson.

8 MR. DICKSON: I'm sorry. It is much more  
9 serious and I do apologize for that.

10 There is -- you know, there's a lot of  
11 examples in here as we go through the survey that tells  
12 you what happens, it tells you why, it tells you  
13 suspicions for the future, it also gives  
14 recommendations to fix it.

15 But Slippery Winds Resort had a camp on  
16 Straw Lake, and that's I believe page 60, 5.5.2, and  
17 I'll just take a minute and read this. It says:

18 "Likewise Straw Lake and Yoke Lake  
19 tourist camp operations have been  
20 reported to have been severely impacted  
21 by the proximity of and access provided  
22 by Penassi Road. Both Straw Lake and  
23 Yoke Lake are relatively small lakes  
24 unable to handle both remote fly-in use  
25 and road access use - both in terms of

1 fish harvest and quality experience."

2 And this is what I'm coming to:

3 "It is interesting to note that Penassi

4 Road was not meant to provide direct

5 access to either Straw or Yoke Lakes.

6 Yet, a permanent boat launch and parking

7 lot exists on the east end of Straw Lake

8 - even though the original boat launch is

9 alleged to have been illegally

10 constructed."

11 And it goes down to, we'll miss the next

12 sentence:

13 "Instead, actual construction occurred

14 adjacent to Straw Lake where a remote

15 camp operation has been detrimentally

16 affected."

17 And it sums up:

18 "...where an open forest road is

19 permitted to cross a waterway in close

20 proximity to remote tourism camp

21 operations located on relatively small

22 lakes then those operations can expect to

23 be severely impacted."

24 Q. Do you have any personal knowledge in

25 respect of this example?



1                   A. I know Mr. Larry Adams the operator.  
2 I visited him with this in St. Louis a couple of weeks  
3 ago, I met him at a hearing two years ago and, you  
4 know, in this gentleman's case, he's a very responsible  
5 individual, very frustrated, he gave me some pictures  
6 that have been submitted, I do believe.

7                   Q. We have copies of those. Perhaps  
8 Plans we could show--

9                   A. I can just.

10                  Q. --the Board the originals and we can  
11 pass out the photocopies.

12                  MADAM CHAIR: We heard from Mr. Adams in  
13 Fort Frances.

14                  MR. DICKSON: Yes, I believe you did, but  
15 the big thing is, like, this lake wasn't to be  
16 accessed.

17                  MADAM CHAIR: And this is Straw Lake.

18                  MR. DICKSON: This is Straw Lake,  
19 identified in that plan. Now, I didn't know it was  
20 identified in this plan until, like I said, last  
21 Wednesday, but you can just -- you know, all the points  
22 I've been making about remoteness, et cetera, so you  
23 can see, if this continues to happen as we suspect he's  
24 finished on that lake.

25                  MR. O'LEARY: Perhaps, Madam Chair, we

1 could mark the collection of pictures as the next  
2 exhibit and we can identify each one.

3 MADAM CHAIR: Yes. We have five  
4 photographs. These will comprise Exhibit 2137.

5 ---EXHIBIT NO. 2137: Five coloured photographs re:  
6 situation in relation to Straw  
Lake.

7 MR. O'LEARY: The order that we've  
8 prepared in the hard copy for filing would be, the  
9 first one would involve the picture of the access road  
10 with the fence.

11 MR. FREIDIN: I'm sorry, these are  
12 photographs of the Straw Lake--

13 MR. DICKSON: Yes, sir.

14 MR. FREIDIN: --situation referred to on  
15 page 60 and 61?

16 MR. DICKSON: Yes, sir.

17 MR. FREIDIN: Thank you.

18 MR. O'LEARY: The second photograph at  
19 the bottom of the first page of the exhibit indicates  
20 some trash.

21 The third would be on the second page and  
22 that has the vehicle on the middle of the righthand  
23 corner.

24 The fourth would be at the bottom of the  
25 second page and that has an aluminum boat on the

1 righthand side.

2 And the fifth picture is an aerial  
3 photograph.

4 Q. Perhaps, Mr. Dickson, you could take  
5 us through these photographs and explain to the Board  
6 the significance of these pictures in relation to what  
7 you've been saying?

8 MS. SWENARCHUK: Madam Chair, is this  
9 2137?

10 MADAM CHAIR: Yes, it is, Ms. Swenarchuk.

11 MR. MARTEL: Did I hear you say that this  
12 wasn't to be accessed at the beginning?

13 MR. DICKSON: Yes, sir, it wasn't to be  
14 accessed and this plan states that under -- on page 61,  
15 5.5.3, the Penassi River -- no, excuse me, page 60,  
16 Straw Lake, 5.5.2.

17 The point I'm trying to make here is that  
18 we do have a study that shows an example of a guy that  
19 was complaining and now it shows up in this review that  
20 was done and he's got a problem.

21 As my understanding has it, nobody has  
22 offered to fix the problem. He tried to fix the  
23 problem by putting up a little rinky-dink gate that  
24 somebody would tear down or drive over or push over.  
25 That was his frustration. He was told by the MNR to



1       remove it, that would be a trespass under the Public  
2       Lands Act I'm sure.

3               But what happens in cases like this, once  
4       the access is there and once the public gets used to  
5       using it, we're told they can't do anything about it.  
6       And my point is that if they're a little more sensitive  
7       to the industry and recognize its value ahead of time,  
8       research and then develop, we wouldn't have these  
9       problems. And, you know, it's self-explanatory  
10      regardless of the problem.

11              MR. MARTEL: What I'm trying to find out,  
12      though, was it part of the plan, the original plan.  
13      What I'm trying to get at--

14              MR. DICKSON: Yes.

15              MR. MARTEL: --did this happen by -- I  
16      think what you're telling us is that he was led to  
17      believe the lake wouldn't be accessed and lo and behold  
18      it was accessed. I don't know if that's the case or  
19      not.

20              MR. DICKSON: Thank you. That's right,  
21      yes. As I understand it, yes, that's right.

22              MR. MARTEL: Because you see then I want  
23      to know what MNR's reactio is, why that could occur.

24              MR. FREIDIN: I think what Mr. Martel is  
25      getting at, and I wouldn't mind knowing what forest

1 management unit was this on.

2 MR. DICKSON: It's in Fort Frances  
3 District and I don't know, but I can find out.

4 MR. O'LEARY: For the record, Mr. Martel,  
5 because I think it was improperly described, the  
6 reference is on page 61 of that study and the first  
7 paragraph, the second line, where it refers to the fact  
8 that Penassi Road was not meant to provide direct  
9 access to either Straw or Yoke lakes.

10 MR. MARTEL: You see, what I'm worried  
11 about, this was a study -- but what's the plan, the  
12 official plan. See, I have difficulty. If you have a  
13 plan that says it's not to be accessed and then it is  
14 accessed, I want to know why it was accessed.

15 I mean, you see, you've got to get to the  
16 bottom of how it can happen, because how do you ever  
17 build trust in the public's mind that when you sit down  
18 with MNR and the companies and we're going to have some  
19 cooperation, that you can't be running head long into  
20 somebody thinking he has protection and all of a sudden  
21 the next morning you get up and the road is there. I  
22 mean, if that's the way the process is going to work,  
23 we might as well all go home.

24 And that's what I'm trying to get to the  
25 bottom of, was this part of a plan. I don't know

1        what -- whoever did this study, if they went to MNR and  
2        checked out that this was -- the official plan said  
3        these two will not be accessed, because somebody's  
4        got -- if it was accessed, then somebody has got to  
5        answer to that, surely, somebody who changed the plan  
6        without an amendment or without an agreement. Well,  
7        you know...

8                    MR. O'LEARY: We're just going to  
9        identify the FMU here, Mr. Martel.

10                   MR. DICKSON: It would appear to be the  
11        Manitou Forest 320.

12                   MR. O'LEARY: Boise Cascade, it's an FMA.

13                   MR. DICKSON: Rowan Lake is the  
14        specific -- I mean, I had a similar incident at Pike  
15        Lake and I brought that up. We participated for many  
16        years at Sedgewick Lake Road, the Bending Lake Road is  
17        referred to in this plan as a primary road, the  
18        secondary road is the Sedgewick Lake and then we've got  
19        the tertiary, and that camp was full capacity.

20                   I brought that up at the other hearing  
21        and I didn't want to do it again, but we were under the  
22        impression when we left with MNR, no signed agreement,  
23        nothing, but you work with the district manager, work  
24        with your neighbours they're in the MNR planning team,  
25        you say: We have a concern here. And lo and behold



1 you fly in in the spring and the lake's accessed.

2 I mean, they built the road right over a  
3 wildlife viewing stand or a bear bait, whatever way you  
4 want to look at it. We can't fly guests in there. So  
5 it went from very profitable camp, small camp of 40,000  
6 a year -- 35- to \$40,000 U.S. to zero. We haven't use  
7 it for three years.

8 Then we had to reactivate it, we worked  
9 with MNR, and they said: Well, Bud, we're sorry, now  
10 what are we going to do about it. And I met with the  
11 regional director Mr. Elliott in Thunder Bay on this, I  
12 met with two different district managers, various other  
13 people, but the bottom line is: We're sorry, but it's  
14 done, so you lose. And I don't think that's right,  
15 that's improper management.

16 MR. O'LEARY: Q. You mentioned that the  
17 gentleman that was involved with the Straw Lake example  
18 tried to put up some sort of a gate or a barricade, and  
19 where did he try do that?

20 MR. DICKSON: A. Well, from the  
21 photographs enclosed he put it -- you can still see the  
22 lake in there. That's how desparate he was. He put  
23 it off the --

24 Q. Which picture are you looking at?

25 A. It's on the first page. You can see

1 the lake. I mean, I don't know what -- I mean, that's  
2 how desperate he was. I don't know what good that  
3 would do him, but the big road, you can see where the  
4 truck is parked on page 2, that's the main road, and  
5 the little one is just simply --

6 Q. You're looking at the first  
7 photograph on page 1?

8 A. That's right.

9 Q. All right. You see that there's a  
10 fence there. And am I correct, because I know the  
11 photocopies are difficult for the parties to observe,  
12 but there's a boat down you can just barely notice it.

13 A. Yes, and he claims that's the illegal  
14 cache boat and, you know, that would be a simple thing  
15 to solve.

16 Q. Now, was that road ever identified to  
17 your knowledge on any timber management plan?

18 A. No.

19 Q. Why would you build a road to a lake  
20 like that to harvest timber?

21 MR. FREIDIN: Well, wait a minute. He  
22 didn't say it was built to harvest timber.

23 MR. O'LEARY: Q. Do you have any  
24 information as to who's responsible for building that  
25 road?

1 MR. DICKSON: A. I have some suspicions  
2 and I would suspect that one of the loggers involved in  
3 the area who would have the machinery; i.e., a skidder  
4 or a bulldozer would say: This is a good fishing lake,  
5 we should get in here. Our camp's down the road, we're  
6 going to fish here for a couple of summers while we're  
7 building, et cetera. That's usually what happens. In  
8 goes the road, after the logging is done, then I mean  
9 they're gone, and therefore the problem.

10 I mean, that's not saying MNR condoned  
11 it.

12 Q. Do you know the reaction of the  
13 Ministry in respect of the placement of that fence?

14 A. He was told that he wasn't allowed to  
15 put it up, and I believe take it down, at least the  
16 gate was opened there.

17 Q. All right. Is there anything else  
18 about these pictures you wish to draw the Board's  
19 attention to?

20 A. Well, just the garbage picture, you  
21 know, that's just associated with it, also beer cans,  
22 and we have a lot of pictures on file that show that in  
23 an exaggerated fashion or a more exaggerated.

24 And also the photo on the last page where  
25 it just gives you in the lower middle where the logging



1 camp was the road goes along very close to the little  
2 lake, just a little bump through black spruce swamp,  
3 and there's a top notch outpost cabin used to be and no  
4 longer is going to be of much value.

5 Q. Thank you. Mr. Dickson, could I  
6 turn you briefly again to the Access Plan Review,  
7 Exhibit 2136, and at page 71 I note that -- actually  
8 may I, first of all, take you back to page 46 and 47  
9 looking at actually the first full paragraph on page 47  
10 which comes under the heading Highway 615, and there's  
11 reference to:

12 "On the other hand, the Penassi Road  
13 access to Straw Lake and indirectly to  
14 Yoke Lake has detrimentally impacted  
15 the boat cache use of these lakes by  
16 Pipestone operators."

17 It goes on in the next sentence to say:

18 "These findings are of particular  
19 interest for Pipestone Lake operators  
20 see more of a threat from forestry road  
21 development than Highway 615! Therefore,  
22 any road development must be cognizant of  
23 the interrelationship between lake size,  
24 fish harvest, distance to remote  
25 operations, ease of access and visual/

1 noise intrusion."

2 I'm wondering if you have any views as to  
3 these findings as identified by the Ministry of Tourism  
4 and Recreation, Mr. Dickson?

5 A. Once -- like one operator says, it's  
6 not the roads, it's the access that creates and once  
7 the road's there and the access is created, then these  
8 things naturally follow.

9 And our industry can't survive if we're  
10 trying to sell experiences that are associated with  
11 these adverse activities that surround them and, you  
12 know, I think that was put very well.

13 Q. It then refers immediately following  
14 that--

15 A. What page are we on now?

16 Q. Page 47.

17 A. Okay.

18 Q. To the Loonhaunt Road example, and it  
19 says:

20 "The Loonhaunt Road Study Project  
21 illustrates how potentially conflicting  
22 resource interests combined to provide  
23 a reasoned and alternative solution to  
24 traditional forest access road  
25 development. Loonhaunt Lake represents

1 an important remote lake area with a  
2 number of resource interests. A diverse  
3 Committee was formed to address the  
4 identified issues."

5 It goes on to say:

6 "Through public consultation and resource  
7 analysis, and in recognition of the  
8 critical impacts of road location the  
9 Committee recommended that access into  
10 the Loonhaunt Study area be carefully  
11 located and developed. Therefore, a  
12 winter road was proposed for hauling in a  
13 north/south direction. This permitted  
14 the designation of two other roads as  
15 open to the public."

16 In a minute we're going to come to  
17 mitigation issues, and I know you wanted to say a  
18 couple of comments about that, but in respect of the  
19 public consultation aspects, do you see identified in  
20 these comments any connection to the Coalition's terms  
21 and conditions as they've been proposed to this Board?

22 A. Yes, I do. It gets back to working  
23 together as residents in a northern community and  
24 that's very, very important, I mean, to the tourism  
25 industry, that others do recognize the values and it

1 shows that the public is willing to recognize them and  
2 work with us.

3 It seems - I don't always want to come  
4 down on MNR, but it seems that the MNR are often a  
5 thorn in our side, they're the ones that say: This  
6 can't be done because of this, or this can't be done  
7 because of that.

8 And I have been told that personally  
9 many, many times, and that's why it was so important  
10 for us to work with OFAH and form this Coalition, and  
11 I'm telling you it wasn't easy.

12 The first meeting we had with the two  
13 executives, you needed a bow and arrows and gun because  
14 they sat two hundred feet across from each other, and  
15 now we're coming and saying: Look it, and it's because  
16 we share the same concerns present and future. Those  
17 values are important, high tourism values are important  
18 to others more than a tourist.

19 MADAM CHAIR: Mr. Dickson, could you  
20 explain for the Board why it was difficult for the OFAH  
21 and NOTOA to work together in the past?

22 MR. DICKSON: Traditionally access to a  
23 remote meant good fishing and so it attracted hunters  
24 and fishermen, and those roads were generally, as I  
25 understand, built with public money, so they felt,



1 like, the road's there to get the timber and also it's  
2 going to be there for us to access for fish and game.

3 And MNR supported that philosophy, that  
4 was their argument, this is built with public funds,  
5 you know, we really don't have much control over this  
6 situation.

7 And you go back in the spring, the  
8 landing would be like Straw Lake, there'd be like maybe  
9 six or seven boats or there would be a bunch four-wheel  
10 drives in and the residents obviously they wanted to  
11 share in that resource too.

12 So many, many conflicts arose from that  
13 and serious ones, vandalism, et cetera, et cetera, I  
14 don't think I need to go into that, and now I think  
15 that there's a better understanding between the two  
16 groups, but I would like to add --

17 MR. MARTEL: But you're going to have  
18 difficulty, are you not, trying to keep the public out.  
19 I mean, regardless of what MNR tries to do or your  
20 affiliation, you've still got the general public, once  
21 you're even remotely close to a lake will use  
22 all-terrain vehicles to get there, will use any variety  
23 of means to get into access the lake and fish if it's  
24 got a -- and how do you control that?

25 MR. DICKSON: That's a very difficult

1 question, it's a very serious problem and there have  
2 been some pretty neat initiatives taken in some  
3 districts, signing, boat caches, they don't allow them,  
4 and some cases it was suggested - I don't know if it's  
5 in effect - in Wawa where the fishery, you know, when  
6 they identified it as a sensitive fishery it wouldn't,  
7 I mean it sustained a tourism operation for 30 years  
8 and the fishing is basically good, but it won't sustain  
9 people getting in in the winter and trying to --  
10 they've taken initiatives to look at it individually.

11 And, you know, there's different  
12 situations or different instances where the public  
13 comes through and they say: Right, you know, maybe  
14 that's a lake that's 100 per cent catch and release, no  
15 boats are cached there, access is limited to, and then  
16 I have a little easier time selling that to a certain  
17 type of clientele than just, it's up for grabs.

18 In particular in our area where we have  
19 the three types of users. You've got the paying  
20 customer who wants remote experience, you've got the  
21 fellow that brings a little, leaves a little, maybe  
22 rents a cabin.

23 And then you've got that tourist that  
24 comes, as we referred to the pork and beaner, that  
25 comes up, and he's a pork and beaner, and he was at my

1 guest last year -- or he was a guest of mine last year,  
2 he says: Oh, boy, now I don't have to pay Dickson  
3 anything, I can bring my air-conditioned Winnabego, I  
4 can get close to this place, lug my boat over the hill  
5 and I can fish it, and he's doing it and he's fishing  
6 within the MNR six fish et cetera, where the operator  
7 may have instituted on that lake a purely catch and  
8 release situation thinking long term.

9 So there's a lot of conflict with pork  
10 and beaners and I think simple suggestion would be, we  
11 have to look at that very carefully. We don't have  
12 enough resource to share with our own people let alone  
13 the United States of America where there's 226-million  
14 people wanting a piece of this action.

15 So it is tough and -- but I think that by  
16 addressing it the way we have we're wrestling some of  
17 those out and they're minor compared to the major ones  
18 of 20 years ago.

19 DR. QUINNEY: And may I add to that that  
20 philosophically NOTOA and OFAH have never been that far  
21 apart in terms of conservation and wise use of  
22 resources, but the existing planning process actually  
23 created confrontations for us.

24 And let me just give you an example with  
25 reference to access. Our members, the general public,

1 were never presented with long-term forecasts with  
2 reference to the access plans for a given unit, they  
3 were never presented with what alternative options with  
4 reference to -- that might be available for a given  
5 unit or a land base. Instead they're presented with:  
6 Okay, this is what it is, and that in itself I believe  
7 if people were shown what the options are, what the  
8 long-term horizon could provide, if people were  
9 provided with that information, were shown which  
10 alternatives were available, it makes it much easier  
11 for organizations like NOTOA and OFAH to come to  
12 mutually agreeable solutions.

13 MR. DICKSON: On that point, just  
14 briefly. When you go to an open house and there's map  
15 on there, refers to AOC. And my neighbour will go  
16 there and ask the Ministry guy: What does that mean.  
17 And, I mean, I'm giving you an off-the-street comment  
18 here. That's an area of concern, you know, so and so's  
19 got an outpost on that lake, dirty wrotten so and so,  
20 he's getting all the good fish.

21 So the neighbour goes home and says:  
22 Wow, good fishing there, let's get in there. Instead  
23 of saying, HTV, high tourism value and we as timber  
24 management planners have to protect that because it's  
25 got a high value to our society or community, approach



1 it a little more positively instead of making the  
2 operator look like he's the nuisance or he's, you know,  
3 he's the guy that's causing problems for others who  
4 want to get into it.

5 MR. O'LEARY: Q. Mr. Dickson, perhaps I  
6 could ask you what NOTOA's position is in respect of  
7 ever allowing the public access to some of the lakes in  
8 our Crown forests?

9 MR. DICKSON: A. The lakes in the  
10 Province of Ontario belong to us all and we have to  
11 share that resource, and we recognize that and there's  
12 times when we're going to have to make concessions, but  
13 historically, you know, there have been no concessions,  
14 we've just been sacrificing.

15 And if I could be so bold as to suggest,  
16 even in this plan as it goes on, page 65 I believe it  
17 is, it suggests that other future impacts, you know, it  
18 identifies in that study:

19 "From the existing experience on  
20 Penassi...", that's 5.5.4, page 62:

21 "From the existing experience on  
22 Penassi Road, it is very probable that  
23 remote camps on Priam and Hector Lake  
24 will be severely impacted in the future  
25 if the Penassi Road is opened beyond the

1 Penassi River."

2 Now, I don't know where the Penassi River  
3 is, I don't have an idea but, you know, the timber has  
4 to be taken over the river. There may be alternative  
5 methods to get that timber, cable winching, winter  
6 logging, off season. I mean, we've made all these  
7 concessions or offered to make these concessions with  
8 the industry. You don't always have to be there in  
9 July and August.

10 Q. Sorry, I'm just going to ask Dr.

11 Quinney: Can you advise the Board as to the OFAH's  
12 position in respect of access roads to remote tourism  
13 lakes?

14 DR. QUINNEY: A. Yes. The OFAH, there  
15 has been some misunderstanding that OFAH, for example,  
16 believes that there should be road access to every lake  
17 in this province and that is not and never has been  
18 OFAH policy or position. Remote tourism is an  
19 important and legitimate value.

20 Q. All right, thank you. Mr. Dickson,  
21 could I take you to that portion of the document  
22 entitled Mitigation which starts on page 71.

23 We're looking at the Access Plan Review  
24 again, and I see starting on page 74 there are a total  
25 of 13 mitigation measures that are set out, and without

1 looking at each one individually, could you tell me,  
2 first of all, whether you had a chance to review these;  
3 and, secondly, what is your view generally as to  
4 whether or not these sort of mitigation measures should  
5 be considered at some point during the preparation of a  
6 timber management plan?

7 MADAM CHAIR: What page are we at, Mr.  
8 O'Leary?

9 MR. O'LEARY: Page 74.

10 MADAM CHAIR: Thank you.

11 MR. DICKSON: I've read them with great  
12 interest and I was very encouraged to see them placed  
13 in a document like this. Some of these -- in some  
14 cases, some of these would apply, I don't think in any  
15 one case they would all apply, but there are  
16 alternatives to some of our problems which would lessen  
17 the impact that we've been experiencing in the past.

18 And I think in fairness to MNR, some of  
19 these mitigations have been put in effect in other  
20 districts and, to a certain degree, good results.  
21 Apparently in the Wawa area, signage is used quite  
22 effectively and I don't even think it's mentioned in  
23 these 13.

24 You know, the most extreme situation  
25 would be where you have to close a secondary road off a

1 primary road, I mean, when you're doing the plan this  
2 has got to be closed because it's going to impact on  
3 seven or eight operations within that block or area,  
4 just a small part of the plan.

5 The tertiary roads, the timber guidelines  
6 that were adapted years ago, NOTOA did not want to  
7 identify them because they thought they'd expose their  
8 lakes and I think that, you know, that attitude have  
9 changed about that, we want to identify that so we can  
10 say, you know, you shouldn't do this because there's a  
11 problem here.

12 MADAM CHAIR: You didn't want to identify  
13 what, Mr. Dickson?

14 MR. DICKSON: Sorry. When the tourism  
15 guidelines were set up seven or eight years ago --

16 MADAM CHAIR: In the late 1980s.

17 MR. DICKSON: I just glanced through it,  
18 you know, there was a feeling among some of the members  
19 in NOTOA that tertiary roads shouldn't be shown on  
20 maps, on value maps because of the exposure it would  
21 bring.

22 I can tell you that feeling's changed  
23 because people are saying: No, we need that, that's  
24 important in the planning process so we can deal with  
25 the problem before they're built.



1                   MADAM CHAIR: Thank you, and that's the  
2 evidence we have before the Board, that your  
3 membership, in fact, would like to see as much  
4 preplanning and identifying tertiary roads associated  
5 with the timber management plan as they could possibly  
6 see.

7                   MR. DICKSON: Well, if I were to speak as  
8 well as you, I'd go to school a couple of years and get  
9 my point across more concisely and briefly, thanks.

10                  MR. O'LEARY: Q. Are there any other  
11 comments you would like to make in respect of those  
12 mitigation measures?

13                  MR. DICKSON: A. On page 75, No. 10:  
14 "cutting setbacks from remote lakes which  
15 have main base camps in close proximity  
16 should be extended to include terrain  
17 considerations, viewlines and aerial  
18 visual impacts."

19                  To some degree this is happening and I  
20 think that's one in the case where main base, it's  
21 very, very important.

22                  MADAM CHAIR: Excuse me, Mr. Dickson -  
23 and, Mr. Freidin, you can correct us - the Board has  
24 never seen a list such as this that is as complete with  
25 respect to the various solutions or measures that could

1 be taken, and we would like to receive your comments  
2 about each of these 13 items. So we would like to  
3 spend a little more time doing that.

4 And, Mr. Freidin, you might help us with  
5 respect to whether these road mitigation measures came  
6 from the authors of this report or whether some of them  
7 have come from MNR policies as well. We can't tell  
8 from this.

9 MR. FREIDIN: I haven't got a clue. I've  
10 never seen this before and that's, as I say, one of the  
11 problems of dealing with it. I didn't object to  
12 putting it in. There may be other ways of MNR dealing  
13 with this that may be helpful, other than saying that  
14 they're listed in some of the documents.

15 MADAM CHAIR: Well, it's certainly  
16 helpful for the Board to see this kind of a listing.

17 MR. FREIDIN: I'm sure if we provided you  
18 with examples of moose management strategies and  
19 considerations which were made, we could probably find  
20 examples of most of these at different places across  
21 the province, then the question would be well --

22 MR. MARTEL: Which ones?

23 MADAM CHAIR: Well, we've got them on two  
24 pages right now, and this is of some help.

25 Mr. Dickson, we would like you to comment

1       briefly on these items and you could tell us whether  
2       - you've ever seen any of these measures in place, or why  
3       you think they might be effective or not very  
4       effective.

5                       MR. DICKSON:   Sure.

6                       MADAM CHAIR:   And just one question.

7       What's the Resource Access Roads Policy that's listed  
8       in Item 3?

9                       MR. FREIDIN:   I think there may have been  
10       evidence of that, I'm not sure, in Panel 14, and Ms.  
11       Blastorah ran Panel 14.

12                      MADAM CHAIR:   Is that an MNR policy?

13                      MR. FREIDIN:   There is a policy that  
14       sounds similar to that, I think it is. I can check on  
15       that. I don't think there's any problem.

16                      MR. O'LEARY:   Policy similar to that, or  
17       that is your policy?

18                      MR. FREIDIN:   Well, I don't know if  
19       that's the policy this particular witness is referring  
20       to because, as I say, it isn't an MNR document.

21                      I can tell you that there was a policy  
22       that sounds very similar to that. I'm looking at a  
23       document here, Resource Access Roads Policy and  
24       Implementation Strategies and Guidelines, 1985  
25       Construction or Operational Manual. I believe that

1       that was --

2                   MADAM CHAIR: We have some evidence from  
3       Mr. --

4                   MR. FREIDIN: Mr. Duncanson and there was  
5       Mr. Tenaglia from Wawa--

6                   MADAM CHAIR: Yes.

7                   MR. FREIDIN: --talked about this. In  
8       our Panel 14, by the way, is where we documented the  
9       various sorts of techniques that are used to mitigate  
10      in terms of road access or in terms of...

11                  MS. SWENARCHUK: That was in terms of  
12      road construction, Mr. Freidin.

13                  MR. FREIDIN: No, Mr. Adamson was.

14                  MS. SWENARCHUK: Not tourism.

15                  MADAM CHAIR: Okay, thank you.

16                  Mr. Dickson, could you start then with  
17      the first of these points.

18                  MR. DICKSON: Yes. Recognizing that  
19      these are recommendations for this particular problem.

20                  MADAM CHAIR: We understand that.

21                  MR. DICKSON: "closed road status should  
22      be placed on all future forestry roads  
23      and closed road status should be placed  
24      upon the Penassi Road at Bivouac Lake for  
25      that portion of the road leading in a



1                   northeasterly direction."

2                   This same closed road status would apply  
3                   to similar situations in other parts of the province,  
4                   and I think where that would be important was, if it  
5                   was adapted where necessary and whether it's Sudbury or  
6                   Atikokan or Wawa, when the planning committee through  
7                   public consultation, if they recognized that, then it  
8                   should be seriously considered.

9                   MADAM CHAIR: And what is an effective  
10                  way of closing a road?

11                  MR. DICKSON: It appears that signage is  
12                  a very effective way of closing the road, some people  
13                  favour digging them up, just digging up and replanting.  
14                  Now, that gets into a problem because then the MNR  
15                  can't access it for regeneration. We say to that,  
16                  aerial seeding and the guy says, you know, what that  
17                  means but, you know.

18                  So closing a road could mean a gate,  
19                  which is not a good solution but it has been tried and  
20                  worked in the past. It could be digging the road up,  
21                  berming, signage. Those would be the ones, in my  
22                  opinion, that would fall under that classification.  
23                  And, in some cases, all or one of them may apply.

24                  The tertiary roads --

25                  MR. O'LEARY: Q. Could I just stop you

1       there. Do you have a view as to whether or not  
2       increasing the legal penalties for trespassing on  
3       closed roads might be of any assistance?

4               MR. DICKSON: A. As I understand it, in  
5       places where -- well, I do, I'm involved with an  
6       outpost that has a sign on it and I believe fine that's  
7       comes under the Public Lands Act, \$53 and it's  
8       mentioned in this document that 53 bucks divided by six  
9       go fishing, so what, so it's more of an honor system.

10              In this case there's no penal system  
11       under the Timber Management Act, as I understand it,  
12       it's just under the Public Lands Act. So, yes, if we  
13       could have a deterrent that says, for instance, if  
14       you're a company employee you might lose your job, I've  
15       heard that, some small companies tell their guys that  
16       or, you know, the fine's a thousand dollars to go in  
17       there, then, you know, people might look at it a little  
18       more seriously.

19              MR. MARTEL: They also might dislike your  
20       industry more for it.

21              MR. DICKSON: That's right.

22              MR. MARTEL: Which has the real concern,  
23       because you mentioned earlier yourself that people want  
24       to get to lakes and resent the fact that that might be  
25       the tourist operator's lake and to build in huge fines,

1 first of all, you would need an army of staff to catch  
2 them out there; secondly, would you do your industry  
3 any good if people were penalized for going into a lake  
4 that they say is rightly their own in their mind.

5 MR. DICKSON: Well, I mean, that's a good  
6 point but, I mean, if in a situation where a man's  
7 facing going out of business and it's been properly  
8 identified and properly presented ahead of time, I  
9 would say people would accept it.

10 But it can't be just dumped on him after  
11 they've been used to doing it for five or six years.  
12 The problem always arises after they get to use it.  
13 Nobody has a real interest in these lakes before the  
14 road's there, it's when the road gets there and,  
15 particularly, residents. Non-residents are interested  
16 before the road gets there, but once the road gets  
17 there, they go in for a cheaper vacation to enjoy the  
18 same resource.

19 So I think that would be -- it would have  
20 to be handled very sensitively but, you know, I do  
21 identify with that, but I don't have an answer yes or  
22 no for it, it would have to be considered.

23 DR. QUINNEY: And if I might add, the  
24 point you raised, Mr. Martel, is one of the prime  
25 reasons we incorporate into our terms and conditions

1 that it's important to have more than one use  
2 management strategy for a given set of alternatives and  
3 that is laid out in the terms and conditions, again,  
4 the point being that if these various strategies and  
-5 alternatives are presented to the public beforehand,  
6 you're decreasing the likelihood of these after the  
7 fact confrontations that are going to occur.

8 MR. DICKSON: The third one, secondary  
9 roads time requirement. There would be gives and takes  
10 in both cases.

11 In our industry a secondary road may --  
12 is going to access a particular lake. I know we  
13 participate in that, we'd leave for two years and come  
14 back, providing that activities were finished,  
15 replanting had taken place, and we could go back home  
16 and be as comfortable as we were before we left, so...

17 MADAM CHAIR: And you've had experiences  
18 like that?

19 MR. DICKSON: Yes, and it hasn't been  
20 very favourable so far. There have been extensions  
21 given and we're in our third season now, full occupancy  
22 to zero because they needed it longer and the mills  
23 were down for a while and they couldn't get at the  
24 wood.

25 But that was again reacting to something



1 that happened that shouldn't have happened. The road  
2 had have went a little differently placed we wouldn't  
3 have had a problem, but it cost MNR too much money to  
4 go that way. That's what they told me, they said:  
5 Bud, it's going to cost too much to go there. I said:  
6 Yeah, but what's it going to cost us over a 10-year  
7 period. So, I mean, you get into big dollars real  
8 quick.

9 The reason for that is that if the time  
10 requirements put on are strictly adhered to then, you  
11 know, we can eliminate it, we can rest a lake for two  
12 or three years and that's a good conservation practice.

13 MR. O'LEARY: Q. Just so we're thorough,  
14 Mr. Dickson, did you have any further comments in  
15 respect of item No. 2?

16 MR. DICKSON: A. Other than the fact  
17 that tertiary roads, they have to be built or  
18 constructed extremely sensitively and for very, very  
19 short term, just get the timber out and get out of  
20 there, because that's usually where the tertiary road  
21 gets close to the reserve, and then the skidder gets  
22 from there through the reserve to the lake and, you  
23 know, that would be identified in the plan as a  
24 reserve, no access, but the tertiary road gets extended  
25 because the guy has equipment and the means to do it

1 and once it's there, it's there.

2 MADAM CHAIR: With respect to closing the  
3 tertiary road have you seen --

4 MR. DICKSON: Dig it up, just...

5 MADAM CHAIR: Scarify it.

6 MR. DICKSON: Scarify it, dig it up.

7 MADAM CHAIR: And then plant it?

8 MR. DICKSON: Plant it so that really --  
9 varied parts of the United States when I'd have -- you  
10 know, you can't tell there was a road there.

11 I think it was identified yesterday's in  
12 Mr. Stewart's presentation where, you know, they did  
13 the road -- you get in, do your work, get the timber  
14 out, you need it, regenerate as quickly as possible, if  
15 there's an alternative method for regeneration and that  
16 tertiary road doesn't need to be used, then get it out  
17 and apply that even to secondaries in some instances,  
18 and that's how I think our values will be maintained.

19 MR. O'LEARY: Q. No. 4.

20 MR. DICKSON: A. Now, this is a very  
21 interesting one. If logging was done in the off season  
22 as opposed to the tourist season it would go a long  
23 ways to solving a lot of our problems because the noise  
24 and the dust -- the logging camps that usually camp  
25 close to that lake so they can swim and get refreshed

1 and fish in the summer, when logging operations are  
2 within a mile of a camp then we have problems.

3 And I think that suggests that:

4 "in critical areas timber access should  
5 be modified to give greater recognition  
6 to tourist values by minimizing summer  
7 operations upon peninsulas that jut into  
8 remote lakes or cross isthmus between  
9 lakes which support tourism operations."

10 I mean, that's going to be kind of a  
11 unique situation I think and that would have to be  
12 looked at on a case by case.

13 But we have an outpost cabin now that  
14 we're very concerned with. There's a little bend point  
15 that the road has to go through and it has to cross a  
16 canoe portage, and once that roads goes through there  
17 and we fly people to the lake and they want to walk  
18 over to the other one and there's a big gravel road  
19 there, we've got a problem. So we're trying to  
20 encourage them: Look, go in there in the off season,  
21 make it a winter access only so we can tell our guests  
22 that they're in there in the winter only and it's not  
23 going to affect your experience.

24 Sometimes those are tough issues, but if  
25 we can get to that ahead of time before it happens that

1 is the important thing, is the research ahead of time,  
2 we can respond to the potential problem rather than  
3 react then, you know, we can experience a victory and  
4 that hasn't been our experience.

5 MADAM CHAIR: Mr. Dickson, did you say  
6 that it's difficult for you to conduct your business  
7 when there are timber operations occurring within one  
8 mile of your tourists?

9 MR. DICKSON: In some cases that would be  
10 with the main base lodge, you know, if they were  
11 working, scarifying 24 hours a day for instance, if  
12 that were the case, or just the logging, I mean,  
13 there's a lot of noise, and that would be -- some  
14 people, some operators, you know, don't want them  
15 within 20 miles of it. That's not being very  
16 reasonable.

17 But, you know, that would have to be  
18 identified in each individual plan of the planning  
19 process levels. Some say: Look it, you know, main base  
20 lodge might be on the big lake but, you know, we fish  
21 these three little lakes over here on a daily basis and  
22 you haven't taken that into consideration. Can you  
23 please relook this over, can we work something out.

24 If that happened, you wouldn't have -- I  
25 wouldn't be here today, you know, I wouldn't be here



1 complaining and whining. You know, these are real  
2 problems, and I think they can be avoided.

3 And that's why this plan, I came with  
4 some solutions, you know, I was thinking compensation.  
5 If you're going to do it, compensate us, you know, and  
6 that's tough, but these are forms of measures that  
7 reduce our problems.

8 MADAM CHAIR: One other question. When  
9 you arrive in the spring of the year with your  
10 guests --

11 MR. DICKSON: Right, fly in, we go in  
12 there to get the camp all cleaned up and ready and  
13 spiffied up, wash the windows.

14 MADAM CHAIR: After a winter harvest--

15 MR. DICKSON: Right.

16 MADAM CHAIR: --operation, is that a  
17 problem for your guests when they show up in the  
18 summer, that there won't be noise, there won't be an  
19 ongoing operation, but you will see some evidence of  
20 recent cutting or other operations?

21 MR. DICKSON: Well, oftentimes it's a  
22 problem for us because the camp has been vandalized,  
23 that's an OPP problem. We go in and the place is  
24 ransacked, and that has -- we have documentation of  
25 that in many instances. So that's one.

1                   The second one is the operator -- or the  
2 guest sees this road system and they question us  
3 oftentimes, you know: Does this mean that this  
4 resource has been -- have people been fishing this lake  
5 all winter, or have people been in this lake, is the  
6 quality of fishing experience going to go down.

7                   In some cases you have to say, yeah,  
8 people fished it in the winter. And if it's a  
9 sensitive fishery, lake trout or small walleye lake, in  
10 the planning process that might not be identified with  
11 the biologist and maybe they close it to winter  
12 fishing.

13                   We have sanctuaries and they're  
14 recognized as a valuable method of preserving the  
15 resource. So, yes, it has a negative impact in some  
16 respects visually and perceived that the resource has  
17 been -- had some pressure put on it, but those  
18 sometimes -- you usually walk it through with the  
19 fellow.

20                   I have a letter here from a guest that  
21 wrote Harold Vincent Kerrio one spring after flying in.  
22 When he got back he wrote him, and said -- wrote me and  
23 I referred to the Minister.

24                   He said he left the Chapleau area because  
25 of road access, et cetera, moved to Atikokan and he

1 noticed the network of roads and did this mean he had  
2 to move west or north in the future. And that's the  
3 camp, I mean, that eventually got impacted and had to  
4 close down.

5 We kept that guest as a guest, put him  
6 into another camp but, you know, he recognized that, he  
7 says, they're 10 miles away, what's going to happen  
8 next year. Am I going to fly in here next year and  
9 you're going to say: I'm sorry, this happened during  
10 the winter, I didn't know about it, and got one more  
11 year out of it.

12 That's the kind of pressure the operators  
13 are put under, you know. Like, it wasn't supposed to  
14 be accessed, sorry, and then you go back to promote the  
15 next year and, you know, you're tainted, your image is  
16 tainted, not just the individual operator, the whole  
17 province.

18 And, unfortunately, there's a perception  
19 out there in the buying public that Ontario resources  
20 have been severely impacted by logging and it's really  
21 not the place to go for a remote flying trip in some  
22 cases. You know, go north of Red Lake or go into  
23 Manitoba, go in some places where they're guaranteed  
24 that they won't -- their experience won't be affected  
25 because of the logging practices, and that's a real

1 problem.

2 MADAM CHAIR: Thank you.

3 MR. DICKSON: No. 6, you know, this  
4 link -- I don't really understand what happened. It  
5 was two areas from Fort Frances to Nestor Falls, I  
6 believe, and it was recognized as a potential impact  
7 and it shouldn't be permitted, including winter road  
8 connections.

9 So, you know, that would be a tough one  
10 for a public committee to address and, you know, there  
11 would be some gives and takes, but I still think it's  
12 healthy and there may be -- it may be that that timber  
13 doesn't get harvested, I mean, it just doesn't get  
14 harvested; or, if it does, you know, the implications  
15 there would mean that in the winter time there would be  
16 a lot of impact on the fishery, may mean all those  
17 lakes being closed to winter fishery. There's lots of  
18 lakes and then, in some cases, probably it would be  
19 healthy.

20 Our non-resident friends are great about  
21 coming up with snow machines, this is close to the  
22 border just off International Falls, and they're very  
23 adventurous with their snow machines, take a tent and  
24 and go into these lakes, and fish in the lake trout  
25 fishery, and I think it is a problem for fish and



1 wildlife. They recognize there's lot of pressure on  
2 some of these lakes that command a lot of attention  
3 because of their previous remoteness.

4 So if I were an operator in that  
5 situation, that's the recommendation that I would make  
6 to the fisheries people, and I know there would be some  
7 tough negotiations take place there, but this is a  
8 positive start.

9 And this timber allocation transfer  
10 between Kenora and CP, you know, I think that gets back  
11 to one mill saying I need it and the other fellow  
12 saying, no you don't, I need it, and maybe MNR people  
13 could help me with that.

14 But it would seem that the Kenora people  
15 could get the wood from one side of the area without  
16 having to go through the whole area to get to it at  
17 their other allocated spot. Maybe there's some --  
18 that's one that -- I know Antika Lake and I know that  
19 fellow is really worried about impacts on his American  
20 plan lodge.

21 And the central no cut core, I have  
22 personally never been - that's on page 75 - involved in  
23 one of those. The concept is interesting. I'm not  
24 sure what it entailed, but again it's for visual, you  
25 know, people are in a cabin, they look out and, boy,

1 there's no trees left, it's bare down to the lakeshore  
2 or the hill. So we call those shoreline reserves I  
3 believe and, you know, people see that, it turns them  
4 off.

5 In this particular area, No. 9, because  
6 of the amount of operations in the area and the  
7 impacts, the sensitive management tourism area, some  
8 would think that is asking for a lot, but in  
9 extenuating circumstances that might have to happen.

10 I think that's what they're saying there,  
11 you know, we really have to recognize this as an area  
12 of tourism, to be very sensitively managed to protect  
13 the values that need to be protected.

14 And they've got an attached map in the  
15 back and I've not looked at that map so I could get  
16 some clarification on it before the hearing is over  
17 with some of the participants.

18 MADAM CHAIR: Mr. Dickson, perhaps we  
19 will take our morning break now and then when we come  
20 back quickly go through the remaining points.

21 MR. DICKSON: Thank you. Thank you for  
22 your patience.

23 MADAM CHAIR: 20 minutes. Thanks.

24 ---Recess at 10:20 a.m.

25 ---On resuming at 10:50 a.m.

1 MADAM CHAIR: Please be seated.

2 MR. O'LEARY: Q. Mr. Dickson, before the  
3 break you left off by making reference to Item 9 on  
4 page 75 of the Access Plan Review which is Exhibit  
5 2137.

6 Can you continue on with the balance of  
7 the mitigation measures on that page, and I see there's  
8 a few more on the following page that you might also  
9 want to refer to.

10 MR. DICKSON: A. Did we not cover No. 10  
11 and 11 also?

12 MADAM CHAIR: I left off at No. 8, Mr.  
13 Dickson.

14 MR. DICKSON: Oh, okay. No. 9, sorry.

15 MADAM CHAIR: No. 9.

16 MR. DICKSON: So we're starting at  
17 number...?

18 MR. MARTEL: 10.

19 MR. DICKSON: No. 10, right:

20 "cutting setbacks from remote lakes which  
21 have main base camps in close proximity  
22 should be extended to include terrain  
23 considerations, viewlines and aerial  
24 visual impacts."

25 And, again, that would vary site to site

1 and, in particular, for an outpost cabin where they get  
2 very close to the lake with their exercises, but  
3 because of a high hill or something the visual --  
4 effects it will have visually will have an adverse  
5 effect on the total operation. I think that's what  
6 they're referring to there. It wouldn't be necessary  
7 in every situation, but I know of some that helps.

8 Now, 11:

9 "no access of any kind should be  
10 permitted off any study area timber  
11 access road to any water body with an  
12 existing or past tourist operation or to  
13 any lake identified by MNR as a potential  
14 sport fish lake."

15 And that gets into, again, the hard  
16 negotiations, but I think it's very important that --  
17 again, in some instances, that would have to be  
18 considered.

19 MR. MARTEL: Well, what if this is not an  
20 outpost or - not an outpost - but a remote operation,  
21 because you do have a difference between the tourist  
22 operation industry itself, some who want access, that  
23 seems to be a blanket one that says, no access of any  
24 kind to any body of water that has on it now or did  
25 have a tourist operation.



1                   That means simply nothing can happen, and  
2-   yet you might have an operator who wants - unless he's  
3   a remote tourist operator - might want..

4                   MR. DICKSON: But if there had been no  
5   access to that in the past, he would be considered a  
6   remote tourism operator. That's how I interpret that.

7                   MR. MARTEL: Okay.

8                   MR. DICKSON: But, Mr. Martel, I think we  
9   do have operations that depend on a main base where  
10   they can drive people to the lake, that's true, I mean,  
11   there are operators that want that, so they like those  
12   previously unaccessed lakes accessed, and sometimes  
13   there is a conflict, but I don't think it's a serious  
14   one.

15                   I think it gets serious once the access  
16   has been permitted to happen when we feel it shouldn't  
17   have happened, then people start using it, they get  
18   used to it and conflict arises between also different  
19   types of tourists.

20                   MADAM CHAIR: Do most main base camps  
21   have road access, that's where you leave for the  
22   outpost camps?

23                   MR. DICKSON: Right, and some fly-in main  
24   base camps, also a fly-in outpost from it, and that's  
25   why it's hard to put -- MTR have those records of

1 numbers, but 1,600 operations in the province might  
2 mean one operation has -- in my case, my main base, I'm  
3 in downtown Atikokan but we have, you know, 16, 17  
4 remote locations that we access on top of it.

5 No. 12, you know, like I say, I've been  
6 on these roads:

7 "Barren Brook, Penassi and Maybrun Roads  
8 should not be linked and adequate  
9 separation should exist to prevent  
10 unauthorized linkage."

11 By link in this it just ends up making a  
12 highway corridor and the fear in this particular study  
13 area was when they did that everything would be  
14 accessed. And I'm not -- I haven't driven through it,  
15 but I know some of the operators involved and they're  
16 very concerned about that.

17 And the linkage was proposed or was  
18 planned, or maybe it even happened because of  
19 allocation of different companies, as I understand it.

20 And 13:

21 "public education of the significance of  
22 the remote tourism industry, regional  
23 spinoffs and rationale for a closed road  
24 policy must be developed."

25 And that was very clearly put to us this

1 morning. That is recognized and we have to do that  
2 with our sister ministry MTR. They have been slow to  
3 help us in that area, but I think there has been  
4 progress made and, again, if these are identified right  
5 in the planning process from the beginning it would be  
6 helpful to all.

7 There are some special mitigation  
8 measures for the study area again and, you know:

9 "restriction of public access to Yoke  
10 Lake should be enforced if the remote  
11 tourism operation is to survive."

12 And I believe, again, in the initial  
13 planning process Yoke Lake didn't expect to be accessed  
14 and they are and his problem now is: How do we fix it.  
15 And that happens a lot, once the access is there it's  
16 there and you have to live with the consequences, but  
17 these are very special ones.

18 And, again, the winter road which  
19 suggests winter logging, No. 2, that's another  
20 alternative that's been discussed throughout the  
21 industry.

22 The extension of roads and winter  
23 cutting, No. 4. Wherever possible we try to encourage  
24 MNR, can you please cut in the winter, and we haven't  
25 been very successful. It seems to be a very reasonable

1 request but, in my experience, I haven't been very  
2 successful in getting them to do that. Sometimes  
3 that's all it takes, winter cutting and we're okay.

4 And No. 5. These people feel they need  
5 additional reserves and, again, particular situations,  
6 in certain instances, need that and if the planning  
7 team to is made up of more than just MNR and the  
8 industry, most of that will be addressed and done  
9 before they present it.

10 No. 6 is self-explanatory. I believe  
11 No. 6 does mention to reduce noise impact, that's  
12 important. Sometimes roads -- secondary roads are  
13 built close enough to a lake where you end up with dust  
14 and that's...

15 No. 7, it mentions the summer cutting  
16 again for these particular lakes. That may apply to a  
17 lot of situations throughout the province.  
18 Restrictions placed on them, predominantly cutting, but  
19 the building of roads also.

20 On one camp we had they were building a  
21 road, we weren't aware how close they were and a  
22 dynamite blast became a serious complaint by the client  
23 when he left, you know. He claims that, you know, the  
24 blast was a big one and he was blown out of the bunk.  
25 And I says: Come on. But I'm serious, that's the kind



1 of -- but, nevertheless, the road was there and it went  
2 from high occupancy to zero. And, you know, he has  
3 never been back. Bruce Patrubic from Green Bay  
4 Wisconsin, I remember him well. And, I mean, I laughed  
5 for about 20 minutes after he left, but he was not  
6 amused by it, he was pretty upset.

7 No. 8:

8 "Every effort should be made to develop a  
9 fully enforceable closed road system,  
10 either through sophisticated  
11 remote-controlled gates or increased  
12 patrols."

13 And that -- again, that's not the  
14 position of the Coalition, but in this area where the  
15 damage has already been done, that's what they've been  
16 forced to ask, and if it had have been planned properly  
17 they wouldn't have to go to those methods and effort.

18 The planning process has failed us again  
19 and it's because, in my opinion, the tourism values  
20 weren't initially recognized, and that's not to say  
21 they don't know they exist, it's just they're one  
22 dimensional in their thinking, their thinking is access  
23 the trees - and I understand business a little bit -  
24 and as cheaply and as effectively as possible, get the  
25 trees out and live with the results, and we find that

1 offensive.

2 MR. O'LEARY: Q. Mr. Dickson, unless the  
3 Board has any additional questions in respect of the  
4 mitigation measures, I ask you just to turn over to  
5 page 78 and I would like to ask you if there is any  
6 portion of the conclusion which you would like to  
7 highlight because you felt it would be helpful for the  
8 Board to understand your evidence?

9 MR. DICKSON: A. On the aircraft coming  
10 to Toronto I turned to that and I highlighted the  
11 second paragraph, or the second point under No. 7,  
12 Conclusion:

13 "given their perceptions as to the  
14 deterioration of the study area's natural  
15 and aesthetic character, future increases  
16 in forestry extraction, and increases in  
17 unauthorized intrusion by vehicles on  
18 the existing and future road systems,  
19 many of the operators are pessimistic  
20 about their future ability to maintain  
21 business revenues at an acceptable  
22 level..."

23 Now, I definitely have that fear in my  
24 own business in regards to some future development.

25 "...fearing the continued loss of repeat

1 business and the future trend of  
2 more existing and potential customers  
3 to become dissatisfied with their  
4 perceived impacts to setting, resultant  
5 tourism experience and potential to  
6 relocate to other areas or activities."

7 And historically, you know, now that's  
8 been a fear for many years for many people and I think  
9 those fears have turned into realities in a lot of  
10 cases, and it's a very, very important point.

11 If we could work together with the MNR to  
12 recognize that at the beginning of a 20-year plan or  
13 hundred year plan, or whatever they propose, then we  
14 will be in a healthier position.

15 People are leery about buying camps in  
16 Ontario now, according to some of the people in the  
17 real estate business I've talked to, and the most often  
18 asked question when you're buying an outpost cabin or  
19 fly-in lodges: Where are the roads, when are we going  
20 to be impacted on by timber and how. And one operator  
21 from the Manitou, out of Fort Frances, Manitou Lake,  
22 sold it and moved to Manitoba and he said he's found a  
23 happy home.

24 It finished up, for my point:

25 "Through the application of Comprehensive

1 Integrated Resource Management planning,  
2 specific area management techniques such  
3 as Special Tourism Area Management...",  
4 this would be, in my opinion, a very special situation,  
5 designation, that would only happen under situations  
6 like we have already read, because the damage is  
7 basically done.

8 "...general specific mitigation measures  
9 and a commitment to a balance of forestry  
10 and tourism activity, the study area can  
11 be retained over the long-term as  
12 a valuable remote tourism destination  
13 without comprising long-term forestry  
14 volume."

15 They're still saying here that there's  
16 still a chance if some of these problems are fixed up.  
17 I know Larry Adams from Straw Lake feels very strongly  
18 about that, but the problem is very serious now because  
19 people are getting used to using it.

20 In his particular case, even if  
21 non-residents weren't allowed to access the lake he  
22 would solve a bit of his problem, but he's bringing in  
23 a position of patching something up, and I've been  
24 there and it's tough, you know, unless you want to  
25 change your whole operation and, you know, redirect



1 your marketing activities and efforts to another  
2 10-year plan and things may change again within that  
3 time frame.

4 Q. Thank you, Mr. Dickson. I understand  
5 that you've also had an opportunity to review a  
6 document which was filed last week during Panel 8  
7 entitled Economic Impact of the Remote Tourism  
8 Industry, The Upper and Lower spanish Forest, and  
9 that's been marked as Exhibit 2120, Madam Chair. It  
10 was filed last week during the evidence of Dr. Victor  
11 and Dr. Kubursi.

12 Do you have that with you, Mr. Dickson?

13 A. Yes, I do.

14 Q. Can you tell me, do you have any  
15 comments that you would like to make in respect of this  
16 document?

17 A. When I read through it, and I turn to  
18 page 14 Conclusions, and the third line in the middle  
19 of it:

20 "There has been a general presumption  
21 prior to this study that tourism does not  
22 make a large economic contribution to the  
23 economy of the province or the regional  
24 economy. This study has shown that  
25 tourism does indeed provide some

1 significant economic benefits, in  
2 addition, to the primary benefits of  
3 preserving the wilderness and scenic  
4 beauty of the province.

5 It is the total of the primary and  
6 secondary benefits of tourism that ought  
7 to be compared to the benefits to be  
8 derived from other competing activities.

9 In this study we have concentrated  
10 on the economic benefits using a  
11 generalized regional impact model we have  
12 identified the impact of the remote  
13 tourism industry in the Upper and Lower  
14 Spanish Forest on the immediate local  
15 region on the provincial economy.

16 Invariably we have found that the  
17 industry has comparatively large impacts  
18 and generates employment activities which  
19 may not otherwise exist.

20 Being primarily an export orientated  
21 industry catering to visitors from the  
22 United States, its activities are to that  
23 extent incremental and additive in the  
24 sense that they do not represent transfer  
25 in location of economic activity from one

1 part of Ontario to another. From that  
2 perspective, an industry that plays an  
3 important role in reversing the current  
4 international tourism deficit that  
5 beleaguers the Ontario economy."

6 And I found it interesting because from  
7 my experience in Atikokan, perceived that tourism  
8 didn't have much of an impact on economy, now I can  
9 tell you in Atikokan they feel differently, a lot of  
10 people there and so I was encouraged to find that in  
11 this document.

12 In Atikokan the owner of the IGA store  
13 once told me, he's says: Tourism dollars are new  
14 found -- it's new found money and they, therefore, have  
15 a great impact on the economy and, you know, this  
16 conclusion puts that very well.

17 We know that it's difficulties and  
18 struggling with getting the point across to the public,  
19 that we do hire people and we are important to the  
20 economy, especially when it comes to spinoffs and  
21 hotels, motels, other service sectors, it is extremely  
22 important.

23 We would like MTR to help us with that in  
24 the future. We are working on that through NOTOA. We  
25 have asked them on many occasions to -- you know, they

1 do these little regional ones from a little area  
2 because we're a fragmented industry, but we need a  
3 provincial one, and that might answer a lot of our  
4 questions, and I would suggest it would be quite  
5 positive too to our industry.

6 Q. Based on your experience, Mr.  
7 Dickson, can I ask you whether or not you generally  
8 agree with the conclusions reached by, or as stated in  
9 this document?

10 A. Yes, I do.

11 Q. All right, thank you.

12 MR. O'LEARY: Now, I understand that some  
13 information has been gathered or some studies conducted  
14 internally at NOTOA in respect of some of the impacts  
15 of timber management activities on your members, and  
16 you have included in the package of the documents which  
17 we filed with the Board, one entitled Forestry Impacts  
18 on Remote Tourism.

19 And I understand attached to that are  
20 several case studies or summaries and a number of  
21 letters from various customers that have visited  
22 northern Ontario and, in particular, some of the remote  
23 tourism operations.

24 Perhaps, Madam Chair, we could first mark  
25 that as an exhibit.



1                   MADAM CHAIR: This will become Exhibit  
2 2138. Can you identify it, again, Mr. O'Leary.

3                   MR. O'LEARY: It's a 19-page document,  
4 Madam Chair, that's entitled: Forestry Impacts on  
5 Remote Tourism. The first page consists of three  
6 bullets, then there are three case studies followed by  
7 several letters from various customers, and response  
8 from the Ministry of Natural Resources.

9                   There's also a summary in respect of the  
10 effects of road access on Market Value of Tourism  
11 Lodges that was prepared by the Northern Ontario Resort  
12 Tavern/Hotel Association, and that's attached and --  
13 sorry, realty company, and that's the latter portion of  
14 it, and then there are several summaries that have been  
15 prepared for Mr. Dickson's presentation.

16       ---EXHIBIT NO. 2138: 19-page document consisting of  
17 study entitled: Forestry  
18 Impacts on Remote Tourism with  
19 three case studies attached and  
20 several letters and response from  
MNR, summary of Market Value of  
Tourism Lodges, and summaries  
prepared by Northern Ontario  
Resort Tavern/Hotel Association.

21                   MR. O'LEARY: Q. All right. Mr.  
22 Dickson, can I ask you: I know you don't intend to  
23 take us through every document contained in there, but  
24 are there particular highlights which you would like to  
25 point to which might be of assistance to the Board and

1 the parties?

2 - MR. DICKSON: A. I reviewed these. As  
3 you said, I haven't had the experience of talking to  
4 all these operators one-on-one, but there's a letter  
5 from Cochrane Air Service June 9th, 1989, and I just  
6 highlighted -- it's to Dear Mrs. LaLonde.

7 Third paragraph, this gives us an idea --  
8 sorry.

9 MADAM CHAIR: Is this the June 9th, 1989  
10 letter?

11 MR. DICKSON: Yes. I'm sorry, yes. The  
12 third paragraph --

13 MADAM CHAIR: This is -- the letterhead  
14 is Cochrane Air Services Limited.

15 MR. DICKSON: Right. Just the third  
16 paragraph.

17 "Some 10 years ago we had close to 50  
18 outpost fly-in camps, we're now down to  
19 30 and within five years we will end up  
20 with less than 10 camps. I predict that  
21 we will be completely out of business in  
22 less than 10 years. You cannot have  
23 a fly-in operation once people get into  
24 the lakes by road."

25 And then she goes to say that in 1983 she

1 visited -- or purchased her operation from the Native  
2 people and we have developed it, and blah blah blah.

3 The point there is that we've heard these  
4 stories before from other operations and if this  
5 continues, you know, we won't have an industry and  
6 that's where I was particularly concerned of that.

7 In the Atikokan area we're getting close  
8 to, we're in a danger zone and I can identify with  
9 that. I wrote a letter to NOTOA a few years ago  
10 suggesting some of the similar things and they've come  
11 to be.

12 There's also another letter from the  
13 little boy that -- July 15, 1977, it's just more of  
14 interest. I'll just read it because, I don't know if  
15 it's in that package, but --

16 MR. O'LEARY: It's not.

17 MR. DICKSON: "I'm a 15-year-old boy born  
18 and raised by water. This water has been  
19 dumped in, littered in and drained in by  
20 junk."

21 He wrote this in his long hand.

22 "All this was done by people who don't  
23 care about our nation's wildlife.

24 For the past two years me and my  
25 father have been coming up to a Lake Oba

1 to enjoy clean water, wildlife and good  
2 fishing. The reason we come to Canada is  
3 because of its untouched wilderness and  
4 beauty, beautiful lakes.

5 You know, Canada's different  
6 than the U.S., it preserves most of its  
7 woodlands and which the U.S. destroys.  
8 It is not all travelled like the U.S.,  
9 it is not as polluted as the U.S.

10 When I heard that someone had wanted  
11 to put road into Lake Oba I thought:  
12 When will people realize that there isn't  
13 that many more lakes to ruin."

14 And that's just the comments of a young  
15 boy. I don't know much about Oba Lake but, you know, I  
16 think we have to consider that when we're looking  
17 long-term and our children's values.

18 There are other letters in here from  
19 people that have basically explained to us some of the  
20 impacts. Merimac Lodge, White River Air, there's a  
21 summary of their financial losses. And I can't confirm  
22 that but, again, people went to an effort to put that  
23 forth and they claim \$874,000 in lost revenues over a  
24 period of time because of access by logging roads, et  
25 cetera.



1 I don't think they're the same point.

2 MR. O'LEARY: Q. All right, thank you,  
3 Mr. Dickson. I might just add too, I misspoke myself,  
4 there are 24 pages in that exhibit, Madam Chair.

5 Mr. Dickson, could I take you back  
6 briefly to a discussion we had earlier in respect of  
7 the contribution that tourism makes in the area of the  
8 undertaking, and am I correct in understanding that  
9 NOTOA has some information in respect of the value or  
10 the number of dollars in terms of revenues that tourism  
11 accounts for in northern Ontario?

12 MR. DICKSON: A. We do have some  
13 information regarding that that was done internally.

14 And just to sum it up, we do have some  
15 estimated direct revenues of up to \$330-million with a  
16 total impact of a billion. We feel that tourism  
17 provides up to 15,000 jobs, and the important thing  
18 here is many of these jobs are given to students,  
19 Native people, women. Apparently there's over 2,200  
20 Natives working within the tourism industry. I think  
21 that could be increased. I think tourism has a great  
22 potential for job creation in the north.

23 MADAM CHAIR: Are you referring to the  
24 1979 study, Mr. Dickson?

25 MR. DICKSON: I believe it's a 1980 NOTOA

1 overview of the industry that we did internally, and I  
2 think it was backed up by MTR figures in general.

3 MADAM CHAIR: Do we have that document in  
4 exhibit, Mr. O'Leary?

5 MR. O'LEARY: You do not, Madam Chair.

6 MR. DICKSON: It's also important that,  
7 you know, we recognize that the jobs range from  
8 professional jobs, pilots, marketing managers, to the  
9 unskilled and, you know, up to \$53-million in salaries  
10 and that again, the NOTOA office has done that through  
11 the years and that was 1988 that was put together.

12 We have a little problem in the north or  
13 a very serious problem with youth migration, you know,  
14 the youth are leaving northern communities and they  
15 leave because they don't have jobs, and as one person  
16 told the Economic Development Council a couple of years  
17 ago, he said: You know, find work for them, give them  
18 jobs, they'll stay. And that's a lot easier said than  
19 done and we think the tourism industry can contribute  
20 to that in a more positive way than it has been in the  
21 past.

22 MR. O'LEARY: Madam Chair, if it would be  
23 helpful we will file as an exhibit that document, it's  
24 very brief, it's a summary as opposed to the actual  
25 analysis and the documentation of actually what was

1       undertaken, but if that would be of assistance, we will  
2       file that as an exhibit.

3                   MADAM CHAIR: Yes, it would be. And this  
4       was put together by your office in discussions with  
5       your members?

6                   MR. DICKSON: And MTR, as best I  
7       remember.

8                   MR. O'LEARY: Could we reserve an exhibit  
9       number for that now, Madam Chair?

10                  MADAM CHAIR: Yes, that will be exhibit  
11       2139.

12       ---EXHIBIT NO. 2139: Five-page document entitled:  
13                               Overview of the Outfitting  
14                               Industry in Ontario by Northern  
                              Ontario Tourist Outfitters  
                              Association.

15                  MR. FREIDIN: What would it be a summary  
16       of?

17                  MR. O'LEARY: Yeah. Mr. Dickson, you  
18       have the document I believe.

19                  MR. FREIDIN: Is there a title on the  
20       document?

21                  MR. DICKSON: No, I don't have the  
22       document. I'm just referring to notes that I made.

23                  MR. O'LEARY: We'll will find it and make  
24       reference to it.

25                  MR. DICKSON: Excuse me, I do have the

1 document.

2 MR. O'LEARY: Can you just read it.

3 MR. DICKSON: It's an Overview of the  
4 Outfitting Industry in Ontario by Northern Ontario  
5 Tourist Outfitters Association, it addresses some  
6 concerns and it's an internal document.

7 MR. O'LEARY: How many pages in that  
8 document?

9 MR. DICKSON: Sorry, it's a five-page  
10 document. It addresses the size of the industry, ports  
11 in northern Ontario and some issues.

12 On this point, if I could just take one  
13 more minute, tourism -- it's recognized that tourism  
14 really helps diversity the economic base in a given  
15 community, I think that's very important, and I believe  
16 that was referred to in the Upper and Lower Spanish  
17 Forest economic study, and I believe it was page 14 that  
18 they made mention of that for the record. I think -- I  
19 know that's extremely important to our concerns.

20 MR. O'LEARY: Q. Can I ask, Mr. Dickson,  
21 do you have a sense as to the level of commitment of  
22 the tourist industry, in particular, tourist operators  
23 to environmental conservation protection?

24 MR. DICKSON: A. I briefly referred to  
25 that yesterday I believe, but the tourism industry,



1 because of competition in particular and recognizing  
2 the value of the resource on a long-term basis, has  
3 been very progressive in promoting within their own  
4 industry some conservation management principles and  
5 some of those would include catch and release.

6 I think it's fair to say that, you know,  
7 we brought to the attention of MNR that they should  
8 consider catch and release policies. A lot of  
9 operators, for instance, recommend highly that their  
10 guests use barbless hooks.

11 A lot of operators recommend and won't  
12 allow their guests to take fish home, and if they want  
13 a mount, they take a photograph and get a graphic  
14 replica done, and that's pretty standard throughout the  
15 industry with especially the people that have a good  
16 resource to work from, and I think that it goes to show  
17 the public and the MNR and our guests our commitment to  
18 it on the long term.

19 And one of the problems of access is  
20 you'll have an operator that's promoting that and the  
21 rules of his camp are: You don't take fish home and  
22 then once the road is put into it, you know, they fish  
23 it in the winter and maybe in the spring, just before  
24 the walleye spawn, and it's put a lot of pressure on  
25 the resource.

1 Q. Do you have any experience or  
2 knowledge in respect of the involvement of tourism  
3 operators in relation to hatcheries or improving or  
4 upgrading spawning beds?

5 A. On a community level many operators  
6 work hand in hand with the local OFAH groups,  
7 conservation clubs. In Atikokan we have developed a  
8 fish hatchery with the local conservation club.

9 There have been literally thousands of  
10 volunteer man hours put into that project. It also --  
11 you know, the hatchery, they also with the MNR work  
12 together in transferring fish to other lakes and the  
13 enhancement of spawning areas, and the tourism industry  
14 has worked hand in hand with the local groups and  
15 that's been very, very helpful in reducing conflicts in  
16 other areas indirectly.

17 Q. Why do you feel the tourist operators  
18 have devoted so much time to these projects?

19 A. At one time it was considered the  
20 natural resources in Ontario were a never ending supply  
21 and I think now we have recognized that if they are  
22 going to be there on the long term we have to manage  
23 properly, and that's what they're thinking, long-term  
24 benefits rather than short-term, and that has to be  
25 implemented in every planning process across the

1 province.

2 Q. Mr. Dickson, can I ask you, in  
3 respect of the availability of alternate remote tourism  
4 locations in northern Ontario, do you have any  
5 experience, either personally or through your contacts  
6 at NOTOA and other committees, as to how easy or  
7 difficult it is to find an alternate location for a  
8 remote tourism facility?

9 A. I'm sure there are many, but in my  
10 case, the Pike Lake situation, when the road was built  
11 in the place where it wasn't to be built, in fact, the  
12 modified -- when the announcement came in the paper,  
13 the right-of-way was already cut.

14 We entered an agreement with MNR it was  
15 to be moved to another location and we weren't very  
16 successful in finding another location. We found one,  
17 it wasn't nearly as good as the one we left and it was  
18 a real exercise that took over a year and a half to two  
19 years to get us located. There just wasn't anything  
20 available.

21 Now, one of the reasons could be that in  
22 Atikokan 42 per cent of the district is made up of  
23 Quetico Park where that kind of activity can happen,  
24 but we even asked to move to other districts, and they  
25 don't want to consider that.

1                   So these opportunities are very rare in  
2 many districts in our province.

3                   Q. Thank you. Finally, Mr. Dickson, I  
4 would invite you to make any final comments that you  
5 might have that you think would be of importance to the  
6 Board, and I would also like you to advise us of your  
7 opinion as to whether or not the Coalition's terms and  
8 conditions could in any way address the concerns that  
9 you have alluded to here today?

10                  A. I think it's recognized that we as an  
11 industry want to and have to be recognized as an  
12 important component of the whole structure. We want to  
13 be involved in the very grassroots stage in the process  
14 and, if that happens, many of the problems we have  
15 brought forth in the past three or four years shouldn't  
16 happen and that will make life easier for everybody.

17                  The mitigation techniques, when all else  
18 fails, somehow a compensation clause has got to be  
19 worked in. I mean, compensation can come in different  
20 forms: One can be cash, relocation, or fix the  
21 problem, but up until now when we are adversely  
22 affected, if you try to fix the problem you're usually  
23 breaking some environmental law. You can't relocate in  
24 most cases because there is no place to relocate to  
25 and, therefore, you lose your clientele which means you



1       lose revenue, which means the community loses job  
2       opportunities, et cetera, et cetera.

3                       And when I came here that was the message  
4       I wanted to bring, was we needed the compensation  
5       clause, we need signed agreements with the industry and  
6       the MNR to ensure we don't have to get to a  
7       compensation issue.

8                       That's happening in some places, as I  
9       understand it, but there has to be a real commitment on  
10      behalf of our industry, the forest industry and, in  
11      particular, MNR to ensure that wherever possible our  
12      interests are looked after.

13                      And, you know, the terms and conditions  
14      address everything that we feel is necessary from a  
15      resource to the economics, but the big thing is being  
16      able to get along and share this resource with  
17      everybody, to be included as an equal partner in the  
18      process, not to be sacrificed - as nobody else should  
19      be sacrificed - and that there has to be a greater  
20      accountability in the planning process, so that when  
21      problems do arise, they can be dealt with.

22                      And, you know, my feeling is that  
23      nobody's held accountable except the operator. When  
24      MNR does make a mistake, you know, it's kind of a half  
25      hearted effort to fix it, and I know they're in a hard

1 spot too. The district manager, the ultimate decision  
2 rides with him and that puts him in a difficult way.

3 So with community planning, grassroots  
4 level, I don't think we will have the same problems  
5 we've had in the past, you know. The unfortunate thing  
6 is a lot of people, a lot of people, operators, have  
7 really suffered. Most small business can't afford to  
8 lose 30 or 40 or \$50,000 in gross sales.

9 And I would like to think there's a  
10 future in my business for my son, his son, or at the  
11 very least at least make it attractive so somebody who  
12 wants to get into the industry would want to purchase  
13 it. And I can tell you, in a lot of areas in the  
14 province this isn't the case. You almost have to suck  
15 some guy in to buy it, and that's not right, and it  
16 doesn't do our province any good.

17 I also think, and it may go beyond this  
18 Board, but I just spent three days in North Bay with a  
19 group of people who were looking at a set of standards  
20 for the guiding industry across the country, and my  
21 comment to that Board and they're taking those  
22 recommendations to the a national body again, was  
23 instigated by the Ontario Tourism Education Council,  
24 that if we did have a training program in place where  
25 we could train guides and the people using the resource

1 had to use guides, there would be a lot of jobs  
2 created, a lot of jobs.

3 I mean, we're giving our resource away to  
4 a lot more than just our local people. I would even go  
5 so far to say, in some cases, some people who have been  
6 accessed could live with local use as long as  
7 non-resident use was controlled.

8 I'm sure that's not going to apply to  
9 every situation, but I called an operator -- I was  
10 speaking to an operator in Red Lake and he wasn't in,  
11 his wife was on the phone, and I asked her how things  
12 were going at Little Vermilion, Bret Gary owns a, you  
13 know, it's been there 26 years, and this lady, wife,  
14 young lady told me on the phone that, you know, their  
15 guests - and it goes back to your comment, Madam  
16 Chair - that they're flying over, they're seeing the  
17 logging taken around this lake and it's fairly  
18 protected, and in the Red Lake Plan for those people, I  
19 think, consideration should have been taken.

20 But she said, when they realize what's  
21 happening there they're going to find a way to get as  
22 close to it as they can with their air-conditioned  
23 Winnabego and they're going to access that lake and  
24 it's their old guests that are going to do that.

25 And in Molson Lake in Manitoba, as I

1 understand it, they had a big lake up there that was  
2 accessed and they had two remote lodges on it and the  
3 rule that they put in for that particular situation was  
4 that non-residents fishing that lake, using that  
5 resource, had to be a guest of those two lodge  
6 operators. The residents could come and go as they  
7 pleased.

8 And the deal was that those non-residents  
9 would be contributing to the local economy, mainly the  
10 Native population in that area, and that made perfectly  
11 good sense, you know, cooks, cattle cleaners, guides,  
12 whereas once the access was done and Fargo North Dakota  
13 could get to there with their campers, they don't hire  
14 anybody.

15 Now, yes, they'll buy some gas and some  
16 bait but, again, we get back to the pork and been  
17 philosophy, and I hope that I'm not speaking out of  
18 turn here, but we are talking about the environment,  
19 and when you only have so much and the demand is so  
20 great, you know, why should the tourist operator  
21 suffer, why not enhance his position, encourage job  
22 creation along with the timber people, reduce the  
23 conflicts and try and make it a better place for the  
24 local people to live and enjoy. And that's where we  
25 get into the sharing.



1 Q. Thank you, Mr. Dickson. I just have  
2 one final question that flows out of your comments, and  
3 that is: Do you have a view as to whether or not the  
4 Coalition's terms and conditions did address any of the  
5 concerns that you've raised today?

6 A. I most certainly do, and I think that  
7 we get back to, again, the sharing aspect, the working  
8 together, and if we could implement them into the  
9 planning, particularly the planning process,  
10 everybody's going to come out win/win.

11 Q. Thank you, Mr. Dickson.

12 Mr. Stewart, perhaps I could turn to you.  
13 In response to Question 28 on page 20 of the witness  
14 statement, it states that:

15 "Parallel with the technical planning  
16 procedure, it's the entire public  
17 consultation process that runs in  
18 parallel throughout the course of plan  
19 development described in other Coalition  
20 terms and conditions."

21 In Interrogatory No. 13 from the MNR on  
22 page 40 you were asked:

23 "Could you indicate the relationship  
24 between the planning process, the time  
25 frame and the public consultation

1 process?"

2 I'm wondering if you could do that for us  
3 at this time?

4 MADAM CHAIR: Excuse me, Mr. O'Leary,  
5 which interrogatory are you referring to?

6 MR. O'LEARY: That was No. 13 on page 40  
7 of Exhibit 2129.

8 MR. FREIDIN: MNR interrogatory?

9 MR. O'LEARY: Yes.

10 MADAM CHAIR: Interrogatory 30?

11 MR. O'LEARY: Interrogatory 14, page  
12 40 -- 13 and 14. You will see that the response was:

13 "This will be provided orally during the  
14 evidence of this panel."

15 MADAM CHAIR: Go ahead, Mr. Stewart.

16 MR. STEWART: The planning process is  
17 really, I guess, the heart of the matter that we're  
18 dealing with here and the approach that is in the terms  
19 and conditions and the sequence deals with timber  
20 management through evaluation of the activities related  
21 to access, harvest, renewal, tending and protection.

22 The approach is one that is a bottom  
23 up/top down planning exercise, recognizing that  
24 information flows from the field to the top and back  
25 down, and I think that everything that we've heard

1       probably over the last several panels, up until  
2       including Mr. Dickson's comments today, the testimony  
3       today, really demonstrates the need for establishing a  
4       planning procedure that can attempt to deal with this  
5       vast array of opinion that's there.

6               The process that the Coalition has  
7       established is, in my opinion, one that is based on  
8       choice, flexibility and sensitivity to human endeavors,  
9       and has a particular sensitivity in a way to the  
10      recognition that forestry plays a vital role in the  
11      economy.

12             On the other side the process is rigorous  
13      and accountable, and the ability to measure with  
14      respect to objectives is critical to what I'm going to  
15      attempt to take us through here.

16             The need for this kind of approach really  
17      is one that evolves from public respect and  
18      understanding of what is being proposed, and it's very  
19      difficult today at times to earn that respect and to  
20      have it in the role of government, people are very  
21      critical of the way things happen, and the central  
22      authority in role of government is also very important  
23      in recognition of where they sit.

24             And this planning process, I'm going to  
25      go through and attempt to demonstrate in a very

1 sequential logical order, and I will work hard to do  
2 that, Madam Chair, is based on those principles.

3 MR. O'LEARY: Can I just interrupt you.  
4 Perhaps now would be a convenient time to mark that set  
5 of overheads as an exhibit, Madam Chair. That should  
6 be the next group of pages in the documents we placed  
7 before you yesterday.

8 MADAM CHAIR: This will become Exhibit  
9 2140 and could you describe it, Mr. O'Leary.

10 MR. O'LEARY: Yes, Madam Chair. These  
11 are hard copy reproductions of the overheads that Mr.  
12 Stewart will be referring to and there are nine in  
13 total.

14 MS. SEABORN: I've got eight in my batch.

15 MR. O'LEARY: Oh, all right, there's  
16 eight, and there will be one that was attached that  
17 will be marked as a separate exhibit, my apology. So  
18 it's an eight-page...

19 MADAM CHAIR: Thank you, Mr. O'Leary.

20 ---EXHIBIT NO. 2140: Eight-page document consisting of  
21 hard copies of overheads to be  
22 used by Mr. Stewart in oral  
evidence.

23 MADAM CHAIR: Go ahead, Mr. Stewart.

24 MR. STEWART: I have a particular hope  
25 that my explanation of this process helps to alleviate



1 a lot of the fears and concerns that people have and  
2 gives us some positive direction on how we believe  
3 those concerns can be addressed.

4 The basic factor that we have to deal  
5 with is the recognition that there's a joint product  
6 relationship of timber management, the activities of  
7 timber management affect the forest structure in both  
8 time and space - and I think that's fundamental to  
9 everything we have said today, to all the testimony  
10 that has gone before, and to where we're at right now -  
11 and also a recognition that natural and timber  
12 management forces affect those structures.

13 If we have a fire, obviously it's a  
14 natural forest in time and space that affects the  
15 forest structure and ultimately affects the resource  
16 products, whether they be timber or non-timber. The  
17 same is true of timber management activities which are  
18 addressed in time and space.

19 The attenuation to the temporal horizon,  
20 things in time, are probably at the root of a lot of  
21 our problems in really understanding what it is that's  
22 going happen and we tend to focus very narrowly at  
23 times on our activities in the forest and it doesn't  
24 allow us to really appreciate the types of effects that  
25 are going to occur from any particular activity when we

1 are stretching things out over the rotation of the  
2 forest, and really here we are talking about the  
3 rotation of the forest.

4 The discussion I gave on Red Lake  
5 yesterday, certainly in the document there was  
6 demonstration that the rotation of the forest was 65 to  
7 105 years, depending on the forest ecosystem  
8 classification type, and we accept that these are the  
9 time horizons that we're talking about through which we  
10 believe we should be trying to look at the effects and  
11 do some forecasting.

12 The intent is not to put such an onerous  
13 task in front of the Ministry or the FMA holder, to  
14 provide excessive amounts of detail a hundred years  
15 into the future, obviously it's very difficult for us  
16 to envision what the world would be like that far down  
17 the road, but we do have some tools as have been talked  
18 about in previous panels that allow us to forecast to  
19 the best of our ability on what those forest structures  
20 may look like.

21 And assuming that we can do that, we can  
22 look at timber supply and non-timber supply well into  
23 to the future at a very broad level.

24 But when we come down to lower planning  
25 horizons and time frames, when we're talking about 20

1 years from now, five years from now and next year, the  
2 level of confidence that we should have and do have in  
3 our ability to make predictions increases  
4 substantially.

5 We can do benefit/supply analysis, we can  
6 look at access corridors, addressing the problems that  
7 Mr. Dickson has addressed from the 20-year period down  
8 in increasing levels of detail to the next year  
9 planning horizon.

10 We're targeting this five-year period as  
11 a major point at which we should be able to explicitly  
12 demonstrate to the public what it is that is being  
13 proposed in the 20-year horizon.

14 I mentioned the bottom up/top down  
15 planning sequence, and this really is intended to  
16 address the importance -- I'm sorry, the order in which  
17 I have these --

18 MR. O'LEARY: May not be exact. That's  
19 out of Exhibit 2062, Madam Chair, page 4. You recall  
20 that's the multi-coloured planning process.

21 MADAM CHAIR: Yes, we have that, Mr.  
22 O'Leary.

23 MR. STEWART: The bottom up/top down  
24 planning sequence essentially suggests, as you see,  
25 that from the local FMU up through the system

1 information can move, and if we have objectives that  
2 are clearly understood at each FMU, as they move up  
3 through the district and regional and provincial  
4 processes we understand what the opportunities and  
5 alternatives are out there, then the planning sequence  
6 can come back down by setting clear provincial  
7 guidelines, regional objectives, and district  
8 objectives. And I don't think that there's too much  
9 magic about looking at the benefits of doing that kind  
10 of planning.

11 Now, we have established a planning  
12 sequence that is intended to allow us to demonstrate  
13 how these objectives can be elicited and exactly how it  
14 is that decisions can be made with what's going to  
15 happen.

16 The initial step is the identification,  
17 definition of resource and the compilation of data.  
18 The planning procedure that we are proposing in terms  
19 of this step is quite similar to what the Ministry has  
20 been proposing as part of their planning process. The  
21 first step is to do that, and I will relate back to  
22 that a little bit later in my talk and compare where  
23 we're at.

24 The second basic step is the design of  
25 the principles and the criteria, and I'm going to



1 attempt to deviate - or not deviate - but use two  
2 different graphics, at least two different graphics  
3 with each other as we go through this process.

4 We are talking --

5 MS. SEABORN: Excuse me, Mr. Stewart or  
6 Mr. O'Leary, I don't think that this overhead has been  
7 marked as an exhibit. Is this out of the new package  
8 that was provided to us?

9 MR. O'LEARY: No, we haven't marked that  
10 as an exhibit yet.

11 MR. STEWART: I apologize for that.

12 MS. SEABORN: I take it you're replacing  
13 2062 or updating 2062 with this?

14 MR. O'LEARY: If you want to characterize  
15 it, it's an improved version but it's not the entire  
16 Exhibit 2062.

17 Perhaps we could mark this one as the  
18 next exhibit.

19 MS. SEABORN: Thank you.

20 MR. O'LEARY: Why don't we --

21 MADAM CHAIR: It's a lot easier I think,  
22 Mr. O'Leary, if we keep all of the material for this  
23 piece of evidence together in one exhibit, so could we  
24 add this to Exhibit 2140?

25 MR. O'LEARY: All right. All right. And

1 there are six pages. Madam Chair, perhaps the way to  
2 refer to it is a revised 2062 and maybe we could call  
3 it 2062A.

4 MADAM CHAIR: This package of material,  
5 Mr. O'Leary?

6 MR. O'LEARY: Yes.

7 MADAM CHAIR: You want this to become  
8 part of 2062?

9 MR. O'LEARY: It logically flows because  
10 the first page is the one that's been amended and the  
11 balance remain the same, other than the colours are  
12 missing, and we've numbered the boxes for assistance as  
13 we go through the presentation.

14 MR. MARTEL: Crayons were broke.

15 MR. O'LEARY: Maybe we can invite some of  
16 the MNR to help us out in that regard.

17 MADAM CHAIR: All right. Let's make this  
18 Exhibit 2062A.

19 ---EXHIBIT NO. 2062A; Amended document with revised  
20 first page (Exhibit 2062) to be  
21 used by Mr. Stewart in oral  
evidence.

22 MR. STEWART: I apologize, I take full  
23 responsibility for this.

24 MR. FREIDIN: Just so -- I don't have an  
25 extra copy of that document. 2062A is the same as 2062

1 except for the first page?

2 MR. O'LEARY: Except for the first page  
3 and the fact we've numbered the boxes.

4 MR. FREIDIN: I don't have an extra copy.

5 MR. O'LEARY: Can you get one.

6 MADAM CHAIR: Go ahead, Mr. Stewart.

7 MR. STEWART: Following the  
8 identification of the important features within the  
9 area being managed, following the gathering of the data  
10 relevant to that, it's important that the principles  
11 around which the initiative was being undertaken be  
12 clarified.

13 That is, if the initiative were to favour  
14 wood supply, the design principles at that time would  
15 deal with the quality of wood, the price of wood and  
16 these types of factors.

17 If the principles were dealing with the  
18 provision of marten habitat, or with the provision of  
19 marten populations, then we would be dealing with the  
20 need to have the habitat available for the species in  
21 space and time of a certain quality, and we're going to  
22 talk about this in more detail a little bit later  
23 through some other graphics to give an illustration of  
24 how these design principles affect the decision-making  
25 process.

1                   The third step is the need to refine the  
2                   cause and effect relationships for forecasting what  
3                   alternative forest structures will be.

4                   We understand that through the  
5                   information that already exists that we have abilities  
6                   to predict what forest structures will be into the  
7                   future based on particular actions, and it is this  
8                   ability that is so fundamental to the process of being  
9                   able to establish objectives on the land base, to look  
10                  at forest structures now with the activity taking  
11                  place, the affects, and into the future.

12                  And when we deal with the access,  
13                  harvesting, renewal and protection of the forest, at  
14                  each stage in the timber activity we can predict what  
15                  the results will be of particular actions based on  
16                  existing information.

17                  You've heard about strategies that deal  
18                  with adaptive management and uncertainty, and we will  
19                  talk more about those and our ability to handle that  
20                  type of information.

21                  The next step that would be carried out  
22                  by the plan author is the selection of timber  
23                  management prescriptions for each alternative, and once  
24                  this is completed we have the ability to look at what  
25                  those alternative forest structures may be, a number of



1 different alternatives, and this flows under Option A,  
2 B and C as we see here.

3 To provide a clearer view of how that  
4 would be arrived at Options A, B and C here attend the  
5 different objectives with respect to the same land  
6 base. The basis for doing those options comes back to  
7 design principles, the minimize delivered wood cost,  
8 maximize remote tourism opportunities, maximize moose  
9 population, and maximize marten population.

10 Now, what we're coming at here is, when  
11 the plan author is sitting down and initiating the plan  
12 for the forest, he or she should be looking, at through  
13 the design principles that have been established for  
14 the area, what the alternative forest structures would  
15 have to be to maximize each of these different  
16 variables.

17 On one hand, if you wanted to maximize  
18 your wood supply from the area, what kind of forest  
19 structure would you be dealing with and what are your  
20 options.

21 If you wanted to maximize - and if we  
22 look here, on this part here - the resource production  
23 possibilities, the benefits and costs, accepting these  
24 as units or numbers in a relative sense to each other,  
25 in Option A it's 1,000 units of wood.

1           If we wish to maximize moose population,  
2           we're obviously dealing with Option C, and to achieve  
3           each of these options would require a different forest  
4           structure.

5           And what we are suggesting is the best  
6           way to approach this is to establish this at the  
7           outset. Establish early in the process what the  
8           possible options are with respect to future forest  
9           structures, because the timber management activities  
10          are going to be the activities that affect those  
11          outcomes.

12          There are tools in place, as you heard --

13          MR. O'LEARY: Q. Before you go to that  
14          box, perhaps just for the record we can indicate you  
15          were referring to box No. 3 on Exhibit 2062A and also  
16          box No. 2 on page 2 of Exhibit 2062A? That is the  
17          right --

18          MR. STEWART: A. Yes.

19          Q. Yes, okay. Perhaps it would help, as  
20          you go along, the numbers would help in terms of the  
21          record.

22          A. Likewise, it may be as the second  
23          option sitting here to maximize the remote tourism  
24          opportunities and there is a forest structure around  
25          which that could be achieved.

1                   So in the initial iteration of the  
2 process the plan author is being asked, in this case,  
3 to come forth with these options that have evolved out  
4 of the design principles. The intent of this is to  
5 ensure that we don't miss opportunities. There's many  
6 different ways we can approach the forest. We want to  
7 be sure that it is clearly demonstrated out front.

8                   It is essential that evaluation  
9 procedures be used here, and particularly during Panel  
10 8 I think Dr. Victor had explained considerable  
11 information related to how that occurs. I'm not an  
12 expert in economics, but I've read the witness  
13 statement and I've seen some of the work done by Dr.  
14 Victor, and I suggest that this becomes a critical  
15 factor in our ability to compare what our options are  
16 in commensurate terms.

17                  We're searching here for the benefits and  
18 the best possible option that will allow the most  
19 benefits to flow to people and the economy in which we  
20 live, and unless we go through this process of clearly  
21 laying out ahead of time what our options are, as I  
22 suggested earlier, there is a possibility that we may  
23 miss the best option that there is for management of  
24 the land beyond timber-based activities.

25                  The process here I have suggested is not

1 being done in isolation of the public. Early in the  
2 process we are suggesting that the local citizens  
3 committee play an instrumental role in association with  
4 the plan author to help in the definition of the  
5 principles, so that there is that guidance that comes  
6 from the public associated with that.

7 The broader involvement of the public is  
8 recognized at a later stage. We don't believe that -  
9 and this is the public in general - and stage PC1 here  
10 refers to public consultation process, so you can  
11 recognize that --

12 MR. MARTEL: Can I ask you what you mean  
13 by, to establish the principles with the public. How  
14 far are you talking about, what principles, and how  
15 involved?

16 MR. STEWART: This is not an involved  
17 process, this is at a superficial level to establish  
18 the design principles which I had suggested were the  
19 basis on which the opportunities for management would  
20 be identified; maximizing wood costs, maximizing  
21 opportunities for remote tourism, maximizing  
22 opportunities for moose habitat and moose populations.  
23 These are the basis of the design principles.

24 MR. MARTEL: What happens though to the  
25 principles, talking about moose numbers, that have been



1 established by the province for a specific area? Do  
2 you tell districts that those don't prevail, that it's  
3 the ones that the public in a specific area are  
4 designing that are prevalent?

5 I mean, who's -- I just want this really  
6 clear because it isn't just moose numbers, it's  
7 tourism, it's tourism opportunities, it's -- who's  
8 establishing those guidelines, if you want to call them  
9 that, whatever you want to call them, who is actually  
10 establishing them; is it the local citizens group, is  
11 it the Government of Ontario through the DLUGS and the  
12 strategic land use plans? How far is the public  
13 involved for a specific area?

14 MR. STEWART: In the process that we are  
15 proposing from the bottom up/top down, it recognizes  
16 that there is considerable knowledge at the local level  
17 and the involvement of the local citizens committee  
18 early in the process is to serve as a guide, but that  
19 is not done in absence of a clear understanding of the  
20 forest structures that are there and the plan author's  
21 role in defining what the alternatives may be.

22 So we can't -- I'm suggesting that we  
23 can't define the principles around which we would have  
24 a moose population target until we understand the  
25 relationship between the habitat base out there and the

1 possibilities that exist with respect to moose.

2 MR. MARTEL: I don't think that answers  
3 the question I'm trying to get at, though. I'm trying  
4 to get from you how far -- who establishes, for  
5 example, the targets for a specific area; is that going  
6 to be the local citizens' group, or is that the  
7 province? I'm just trying to get a handle on that.

8 MR. STEWART: Okay.

9 MR. O'LEARY: I think Dr. Quinney also  
10 wanted to say something.

11 DR. QUINNEY: Yes. Ultimately those  
12 decisions are going to lie with the district manager.  
13 Now, you mentioned that with reference to the  
14 provincial moose target there is a provincial moose  
15 target out there, but the way the existing system  
16 works, that existing moose target, for example, is not  
17 tied to a particular land base.

18 There can be, for example, in the SLUPS  
19 and DLUGS at the district level a target for moose, but  
20 that has not, that target has not been disaggregated to  
21 an FMU level, and what we are suggesting here is that  
22 that has to occur.

23 MR. MARTEL: I might not disagree with  
24 you that it has to occur, I'm just trying to establish  
25 who is setting the goals; is it the local citizens or

1 is it some provincial aggregate that's broken down by  
2 sector?

3 In other words, are you suggesting -- let  
4 me put it a different way: Are you suggesting that the  
5 local citizens' group establish the targets for a  
6 specific FMU?

7 DR. QUINNEY: No, but that they assist.

8 MR. MARTEL: What does that mean? I  
9 mean, you see, I worry about what -- if we leave it up  
10 there, what's 'assist' mean, does that mean that if  
11 they don't get what they want - and I just use this to  
12 try and get an understanding - that they can ask for a  
13 bump-up eventually?

14 I mean, all of this is contingent on  
15 who's making the final decisions, and to say in  
16 isolation that they assist without telling me how far  
17 assist goes, I have some difficulty, because I don't  
18 know what that means.

19 Do they make the final determination;  
20 and, if they don't, is it the district manager in  
21 conjunction with the provincial guidelines because, in  
22 fact, if you don't get what you want you say: Well, I  
23 can force a bump-up and we can stall the whole process.

24 I mean, this is bogglesome because, while  
25 it sounds great, you have to know who's finally --

1 somebody ultimately is going to make a decision. I  
2 want to know who the somebody is on all of these,  
3 whether it's moose guidelines, whether it's the amount  
4 of tourism, opportunities are going to exist, we have  
5 to know.

6 MR. STEWART: Yes, sir.

7 MR. MARTEL: Can somebody help me?

8 MR. O'LEARY: I was just going to suggest  
9 that perhaps the way to start would be by looking at  
10 term and condition 217. Perhaps I can ask Mr. Stewart  
11 or Dr. Quinney.

12 Q. And this actually may flow out of  
13 your comment, Mr. Stewart. The last sentence of term  
14 and condition 217 says:

15 "The SLUP and DLUG targets shall be based  
16 on a comprehensive bottom up analysis of  
17 feasible resource production  
18 possibilities with the timber management  
19 plan serving as the basic data unit."

20 Can I ask you what, Mr. Stewart, the  
21 terms and conditions mean by feasible resource  
22 production possibilities?

23 MR. STEWART: A. With respect to the  
24 design principles and the forest structure, there are  
25 limits and bounds in what is feasible. It is not



1 feasible on particular forest structures to suggest  
2 that there would be a thousand moose if the capability  
3 of the land base is for 500 moose.

4 It is not feasible to suggest that  
5 extremely high harvest of wood or wood volume, wood  
6 supply occurs if the forest structure can't supply  
7 that. Therefore, we have to recognize the bounds  
8 within which we are operating, and there are boundd on  
9 everything that we do.

10 There are lower limits and upper limits  
11 and we are moving towards a position that identifies  
12 where those bounds are and establishes a feasible  
13 objective that is defined, in many cases, by wood  
14 supply costs. There are limits on what is reasonable.

15 MR. MARTEL: But who makes the ultimate  
16 decision?

17 MR. STEWART: The ultimate decision is  
18 theresponsibility of the Minister. Term and  
19 condition -- if I can look through, I have --

20 MS. SWENARCHUK: Madam Chair, I wonder if  
21 Mr. O'Leary would help me with one clarification  
22 question about that term and condition - I don't mean  
23 to interrupt - but if he wouldn't mind.

24 Does that term and condition presume that  
25 the DLUGs and SLUPs will be rewritten with such

1 production targets in them, or is it based on the SLUPs  
2 and DLUGs as they currently exist?

3 Perhaps Mr. O'Leary could -- or Dr.  
4 Quinney. Thank you, Mr. O'Leary.

5 MR. O'LEARY: It's a little unusual, but  
6 if it assists the Board, we'll -- did you hear the  
7 question, Dr. Quinney?

8 DR. QUINNEY: What I would suggest, Ms.  
9 Swenarchuk, is you might refer to the rationales  
10 associated with terms and conditions 217, 218 and 219,  
11 that the Coalition is suggesting that a SLUP and DLUG  
12 target should be refined over time based upon this  
13 bottom up analysis of resource production  
14 possibilities.

15 MADAM CHAIR: We had some discussion on  
16 this point in an earlier panel, Ms. Swenarchuk, and  
17 perhaps Mr. O'Leary can point you to that--

18 MS. SWENARCHUK: Thank you.

19 MADAM CHAIR: --discussion over lunch.

20 MR. O'LEARY: The discussion was in Panel  
21 4 I believe.

22 MADAM CHAIR: But we'll be revisiting it  
23 again, I'm sure, in cross-examination. So why don't  
24 we -- actually it's lunch time.

25 MR. O'LEARY: Okay. I did have other

1 plans for lunch, but...

2 MADAM CHAIR: We'll be back at 1:30.

3 ---Luncheon recess at 12:05 p.m.

4 ---On resuming at 1:40 p.m.

5 MADAM CHAIR: Please be seated.

6 MR. O'LEARY: Madam Chair.

7 MADAM CHAIR: Mr. O'Leary.

8 MR. O'LEARY: I thought perhaps just  
9 before Mr. Stewart carried on we could perhaps address,  
10 first of all, the question that Ms. Swenarchuk made  
11 immediately before the break and that was in respect of  
12 the Coalition's terms and conditions in respect of land  
13 use -- Strategic Land Use Plans and District Land Use  
14 Guidelines, whether or not we are stating that they  
15 have to be rewritten and I would ask Dr. Quinney if he  
16 could respond briefly to that question.

17 DR. QUINNEY: No, we are not asking that  
18 they be written at this point in time.

19 What we are asking, however, the next  
20 time they are revised, and hopefully that will soon,  
21 that during that revision MNR examine the possibilities  
22 from the ground up; in other words, the FMU level on up  
23 in order to assist them in arriving at the revised, for  
24 example, DLUGs and SLUPs.

25 MR. MARTEL: What does that mean?

1 DR. QUINNEY: What does that mean?

2 MR. MARTEL: Yes. Who is going to do it  
3 and what are they going to determine and who is going  
4 to make the final decision?

5 It comes back to the same question I  
6 asked this morning. I am trying to find out who is  
7 going to make the decision.

8 DR. QUINNEY: Fair enough, Mr. Martel.  
9 Hopefully I can assist you because the Coalition is not  
10 proposing a radical change in decision making in this  
11 province. We are not going to turn things on over. So  
12 let's take an example where --

13 MR. CASSIDY: Would it be possible just  
14 to turn that so we at back can see it.

15 DR. QUINNEY: You have identified, for  
16 example -- Mr. Martel, you have identified that, you  
17 know, we have, for example, existing provincial  
18 policies in this province, for example a provincial  
19 moose target, a timber production policy, we also have  
20 things like regional targets found in the SLUPs and  
21 districts.

22 MR. O'LEARY: Dr. Quinney, could I just  
23 stop you for a second. I think some of the people are  
24 having a hard time reading tat.

25 Q. Perhaps you can just indicate, what



1 is that large circle you are referring to at the top  
2 and could you specify what it states?

3 DR. QUINNEY: A. Yes. At the top I'm  
4 showing that at higher levels of planning, for example,  
5 at the provincial level there are existing policies,  
6 there are also existing directions at the regional and  
7 the district levels. Examples being at the district  
8 level, for example, a District Land Use Guideline.

9 Q. Let's use an example. What happens  
10 if the province wanted to set - say, the Ministry of  
11 Natural Resources and let's use moose - wanted to set  
12 as an objective an increase in the number of moose in  
13 the province, how would that objective filter down to  
14 the FMU level?

15 A. Yes. Let's say, for example, at the  
16 provincial level the minister decided the target was  
17 going to be 2,000 animals in the province. That target  
18 then, that decision is going to filter down through the  
19 regional level to the district level and the district  
20 manager, as identified in the Coalition's terms and  
21 condition No. 38, is the Chairman of the planning  
22 committee and has the ultimate decision-making  
23 authority in terms of what tradeoffs will be made.

24 He directs then that the planning team  
25 will then -- for example, let's say that this 200,000

1 provincial target from the provincial direction comes  
2 out to, say, 3,000 moose at a particular district,  
3 district level, and then that district manager has  
4 indicated for FMU, whatever number, two in his  
5 district, that the appropriate moose target then will  
6 be, say, 1,000 animals.

7 Now, the district manager has then  
8 identified through the planning team in the timber  
9 management plan what the moose targets will be and this  
10 is done in consultation with the local citizens'  
11 committee.

12 MR. MARTEL: Stop right there because  
13 that's where we continue to -- let's say we have got  
14 the thousand moose, who is going to decide across his  
15 district where the thousand moose will be gotten, if I  
16 can use the word, from?

17 Is it the district manager who makes that  
18 decision or is it the local citizens' committee in  
19 conjunction with the district manager you are  
20 suggesting? Just who at that level?

21 DR. QUINNEY: Well, obviously a given  
22 district is going to be made up of more than one FMU.  
23 So the district manager has decided again from the  
24 upper level direction which moose population target  
25 will be appropriate for each FMU, okay.

1                   Now, the local citizens' committee --  
2       what we are saying is where the local citizens'  
3       committee comes in, they have been asked formally to  
4       approve the plan.

5                   Now, what happens if they disagree within  
6       FMU No. 2? The local citizens' committee associated  
7       with FMU No. 2, suppose they disagree with this 1,000  
8       moose population target. Well, what we are saying is,  
9       No. 1, it would take 60 per cent of the local citizens'  
10      committee to formally object to that aspect of the plan  
11      in order for a different - how shall I say - appeal  
12      process to kick in.

13                  Let's just take the example of, the  
14      district manager in this FMU No. 2 has said 1,000  
15      animals, 60 per cent of the LCC says: Well, surely in  
16      this aspect of the plan we can obtain 2,000 over the  
17      next five years. So they go back to the district  
18      manager and say: Well, we don't like what you have  
19      said and the district manager says: Well, that's the  
20      direction I've been given.

21                  Well, again, we are not proposing with  
22      these steps, one, two, three, anything different from  
23      what MNR is. It is my understanding that MNR also  
24      provides for what I will call internal appeal  
25      mechanisms for the local citizens' committee; in other

1 words, the LCC has disagreed with the decision of the  
2 district manager. The LCC then has an appeal at the  
3 regional level within MNR, also at the provincial level  
4 with MNR.

5 If at all of these additional levels of  
6 appeal the LCC's request has been turned down, then  
7 what we are suggesting is that some form of third party  
8 arbitration be permitted and that's why we have  
9 identified the Minister of the Environment being an  
10 avenue of last resort, so to speak.

11 MR. MARTEL: A bump-up?

12 DR. QUINNEY: Yes. Then it will be up to  
13 the discretion of the Minister of the Environment  
14 whether in fact a full blown EA Board hearing were  
15 legitimate or whether or not in fact the request of, in  
16 this case, the LCC would be denied.

17 MR. MARTEL: But in the Ministry's plan,  
18 I am just trying to get it straight, I don't think the  
19 LCC has, unless I misread it, the power to determine  
20 that the 60, let's say, per cent vote -- I don't think  
21 there is such a thing as a 60 per cent vote in the  
22 Ministry's plan which says the local citizens'  
23 committee can say to the district manager: Sorry,  
24 buddy, but you are not getting what you think is  
25 proper. I am just trying to get this straight.



1 DR. QUINNEY: You're correct, but it is  
2 - my understanding that MNR does provide for an appeal  
3 mechanism, not the 60 per cent disagreement of LCC.

4 What we are doing is we are adding what  
5 we call this third party arbitration.

6 MR. O'LEARY: Q. If I could ask a couple  
7 of questions I think on a couple of points.

8 Could I, first of all, take you to term  
9 and condition 38, Dr. Quinney. You identify in that  
10 term and condition where it is that the district  
11 manager has any say or influence over what goes on in  
12 terms of the planning process in a particular FMU. Can  
13 you identify that?

14 DR. QUINNEY: A. In term and condition  
15 38?

16 Q. 38, yes.

17 A. "The seventh member shall act as  
18 chairman and shall be the district  
19 manager."

20 Q. All right. Can you continue on and  
21 tell me whether or not that's relevant?

22 A. Yes, it is. Again, as I have stated,  
23 the Chairman -- chairperson shall be individually  
24 responsible for making all final tradeoff-decisions  
25 involved with the plan including the final selection of

1 all timber management plan objectives.

2 Q. All right. You have indicated that  
3 that's how the decision at the provincial level would  
4 filter on down through to the FMU level.

5 You have gone on to indicate that the  
6 local citizens' committee has, you identified, three  
7 avenues of review before there would be this bump-up.

8 Can I ask you where in the Coalition's  
9 terms and conditions there is any reference to those  
10 three avenues of review? You say that some are with  
11 the MNR.

12 A. Oh yes, I'm sorry. With respect to  
13 the Coalition's terms and conditions, I am referring  
14 to, for example, at the regional level with terms and  
15 conditions 62 through 66.

16 Q. All right.

17 MR. MARTEL: Can the citizens' committee  
18 disagree with the thousand -- I think you said if they  
19 felt 2,000 could be achieved the citizens' committee  
20 could tell the district manager that?

21 DR. QUINNEY: Yes.

22 MR. MARTEL: That 1,000 isn't enough, we  
23 could raise 2,000.

24 DR. QUINNEY: Yes.

25 MR. MARTEL: So in essence setting the

1 guidelines in the numbers will be the local citizens'  
2 committee--

3 DR. QUINNEY: No.

4 MR. MARTEL: --by 60 per cent of the  
5 vote.

6 Sure. You just told me, you said a  
7 thousand -- I asked you if the local citizens'  
8 committee wasn't satisfied with the 1,000 but felt  
9 2,000 could be raised by a vote, could they change  
10 that, and I think you said yes.

11 I simply summed up and said ultimately  
12 they are setting -- the local citizens' committee will  
13 determine the levels.

14 DR. QUINNEY: No. They have disagreed in  
15 this case with the district manager.

16 MR. MARTEL: Right.

17 DR. QUINNEY: Therefore, they appeal to  
18 the regional level, explain their rationale at the  
19 regional level, okay, and what I gave you was the  
20 scenario that if the regional level says: No, no, for  
21 the next five years 2,000 isn't appropriate, then what  
22 we are saying is the next step if that LCC firmly  
23 believes in that 2,000 is to go a provincial level  
24 appeal with the Ministry of Natural Resources.

25 So that the LCC has not determined what

1 the target, the moose target for that plan is going to  
2 be. All the LCC has done here is obtained appeal,  
3 pathways for their case to be heard, so to speak.

4 MR. O'LEARY: Q. Can I bring it back to  
5 what is presently the case. As I understand it,  
6 correct me if I am wrong, the Coalition has not taken  
7 exception to what the MNR is proposing in terms of this  
8 review or appeal process and that is, at the FMU level  
9 if an individual wanted to indicate some displeasure  
10 with this objective which the district manager has  
11 communicated that an individual could take it to the  
12 regional level?

13 DR. QUINNEY: A. Yes.

14 Q. Is it the Coalition position that  
15 that is a vehicle that should remain?

16 A. Yes, it is.

17 Q. Similarly in respect of an appeal to  
18 the provincial level, is it the Coalition's position  
19 that vehicle should also remain?

20 A. For any citizen, yes.

21 Q. And that is something that presently  
22 is proposed by the Ministry of Natural Revenue?

23 What did I say? Oh, I was thinking of  
24 taxes last night.

25 MADAM CHAIR: Wrong case.



1 MR. O'LEARY: Between Dr. Terry and the  
2 national revenue I am having a bad afternoon here.

3 Q. Is that something that's presently  
4 being proposed by the Ministry of Natural Resources?

5 They would like to be the Ministry of  
6 Revenue.

7 DR. QUINNEY: A. I don't believe it is  
8 inconsistent.

9 MR. MARTEL: No, but they don't go to a  
10 vote in the Ministry of Natural Resources' case.

11 DR. QUINNEY: You are quite right.

12 MR. MARTEL: The local citizens'  
13 committee doesn't vote on it and they work in  
14 participation, or at least it is my understanding they  
15 are going to be working along with, but they never  
16 reach the stage. Somebody might ask for a bump-up, but  
17 it isn't by vote of the committee.

18 DR. QUINNEY: In the MNR's plan?

19 MR. MARTEL: Yes.

20 DR. QUINNEY: That's correct.

21 MR. MARTEL: I am just trying to keep it  
22 all straight.

23 DR. QUINNEY: That is a difference, yes,  
24 it is.

25 MR. O'LEARY: Q. Do you have a view as

1 to whether or not these review processes would be more  
2 likely if individual citizens were entitled to follow  
3 the review vehicle or if a 60 per cent vote was  
4 necessary?

5 DR. QUINNEY: A. Well, clearly if a 60  
6 per cent vote is required -- and I don't believe that  
7 this is going to be a frequent occurrence. The local  
8 citizens' committee by definition are people that have  
9 high stakes in that community. They live there. I  
10 believe they would be committed to seeing successful  
11 plans.

12 However, in order to devote the time and  
13 the effort and to know that they are being listened to,  
14 I think that they have to have a mechanism for  
15 independent arbitration, so to speak, to know that they  
16 will be listened to.

17 This puts, I think, on onus on everybody  
18 to take the planning system, planning process extremely  
19 seriously.

20 Q. Up until the point immediately before  
21 there is this request for a bump-up or the 60 per cent  
22 automatic bump-up which is the Coalition is proposing,  
23 has the objectives which have been set by the  
24 provincial level -- the Ministry of Natural Resources,  
25 has that objective been circumvented or somehow

1       defeated?

2                   A.   No.

3                   Q.   All right.  And then this bump-up,  
4       you indicate, is to the Minister of the Environment.  
5       Can you tell us a little more about that, what you  
6       mean?

7                   A.   Well, what we're asking for simply is  
8       that in this particular example of the moose target  
9       that both sides of the story are heard, so to speak.

10                  It does not mean, for example, the  
11       original target will not be adopted, but the point is  
12       that the local citizens' committee knows that they will  
13       have an independent adjudicator.

14                  Q.   There is a dotted line around the top  
15       that flows from the provincial Minister of Natural  
16       Resources over to the Minister of the Environment, can  
17       you tell us what that indicates, if anything?

18                  A.   Yes.  It's my understanding that the  
19       Minister of the Environment will decide whether in fact  
20       an environmental assessment board hearing will take  
21       place or not.

22                  What we're trying to indicate here is  
23       that clearly communication between both ministries,  
24       both ministers goes on constantly.

25                  MR. MARTEL:  You see, what I worry about

1 is - and you have repeated it again today - you don't  
2 see this happening very often, that they would have to  
3 go that route, yet all the evidence we have, whether it  
4 is the United States or here, is that there is constant  
5 turmoil, there is constant confrontation, there is  
6 constant taking it court in the United States and so  
7 on.

8 If it is so easy to get, I have  
9 difficulty understanding why we have missed it here  
10 because nowhere else is it easy to get.

11 DR. QUINNEY: I would like to draw a  
12 distinction. I think Mr. Stewart will expand on this.

13 MR. MARTEL: We are talking about the  
14 overall plan, that's part of the overall plan. I think  
15 you said it won't be often that this is used, but  
16 that's not throughout this case.

17 I'm not sure that's what we heard, that  
18 this is going to be easy, that in fact it is just the  
19 opposite. There is -- and those provinces, some of  
20 them we have heard from don't even talk to their  
21 citizens. So it is a little difficult to understand  
22 how it is so simple when one looks at B.C. or looks at  
23 New Brunswick and the people essentially aren't  
24 involved.

25 I don't know what it is like in



1 Saskatchewan at this point in time, I'm sure we will  
2 hear, but they aren't involved and because there is  
3 difficulty. Your own witnesses, Dr. Thomas and so on,  
4 said there were tremendous problems in the States and  
5 they are being settled in the court, they are winning  
6 more than they are losing now, but it still means those  
7 cases are there. I am not sure and I am trying to get  
8 from you why you think it will not lead to a lot of  
9 usage of this mechanism.

10 DR. QUINNEY: Yes. I would like to  
11 explain why I think that.

12 No. 1, the example you gave with  
13 reference to Dr. Thomas' testimony, I think what Dr.  
14 Thomas was trying to leave with us is that those types  
15 of court confrontations can become less frequent if at  
16 the outset of the planning process a series of  
17 alternatives, a series of options are laid open for the  
18 public and the public is a part of that planning  
19 process from the outset.

20 MR. MARTEL: What's happening in the  
21 states then, Dr. Quinney?

22 DR. QUINNEY: Exactly.

23 MR. MARTEL: But they are laying it out,  
24 according to Thomas, they are working on that now and  
25 trying to present alternatives and look at both

1 aspects, wildlife management and timber management, and  
2 it still is not easy to resolve, according to Dr.  
3 Thomas. There are still a lot of cases that are ending  
4 up -- many case are ending up in the courts.

5 I am just trying to get why we think it  
6 is going to -- I wish I could get some feeling of why  
7 it is going to work so well here, this panacea that we  
8 keep talking about.

9 DR. QUINNEY: I don't believe it's a  
10 panacea. I believe, yes, it will remain hard work, but  
11 I would also say that the alternative of continuing  
12 down the Proponent's road will only result in more and  
13 more confrontations, more and more conflicts, whereas  
14 if a process such as this is adopted the trend will be  
15 reversed.

16 MR. STEWART: We are definitely not  
17 suggesting that it is a panacea, that you will never be  
18 in a bump-up procedure. These things will happen  
19 invariably in the world today.

20 What we are, frankly, suggesting is  
21 coming back to this reasonable range of alternatives  
22 that people have participated in. So that hopefully in  
23 most cases the majority of the people will have been  
24 exposed and involved in the decision-making process and  
25 can support it.

1                   With not alternatives, you are almost  
2                   guaranteeing a situation where some block is not going  
3                   to support it at all and you will be in a bump-up  
4                   procedure a lot more frequently.

5                   MADAM CHAIR: Just one question. It's  
6                   beyond me to see how a bump-up really, as we know  
7                   bump-up today, satisfies in any respect your objectives  
8                   with respect to non-timber values.

9                   The idea of a bump-up, of course, is to  
10                  do an environmental assessment to see if an operation  
11                  can proceed in an environmentally sound, safe fashion.  
12                  I don't know if a bump-up is going to do very much with  
13                  respect to the number of moose you might want to  
14                  produce on a management unit.

15                  DR. QUINNEY: Madam Chair, I wonder if I  
16                  might refer you to the rationale associated with our  
17                  term and condition 79 to help in answering your  
18                  question. This rationale, then, is an explanation of  
19                  our term and condition No. 79, why we believe it is  
20                  important and I will read directly from the rationale.

21                  "Clearly, the prospect of having a  
22                  plan bumped up is a significant deterrent  
23                  to plan authors. Hence, it provides a  
24                  reasonable amount of power to the public  
25                  advisory committee or local citizens'

1 committee without jeopardizing the basic  
2 principles of democracy and the  
3 responsibilities of elected  
4 representatives. The public advisory  
5 committee does not have the power to make  
6 a final decision in terms of a timber  
7 management plan. Instead, that decision  
8 will continue to rest with the  
9 Environmental Assessment Board and  
10 ultimately elected officials."

11 MADAM CHAIR: We won't go through this  
12 because we are still waiting to hear from you with  
13 respect to your understanding of bump-up and so forth.  
14 So we won't get into the details about bump-up and I  
15 understand that rationale. I guess I just think  
16 bump-up is sort of beside the point of this  
17 conversation.

18 It seems to me that one of the most  
19 important aspects of your local citizens' committee  
20 proposal, and correct me if I am wrong, is not the  
21 various avenues of appeal and so forth, but it is the  
22 fact that your Coalition believes that people who live  
23 in the community have the best sense of how productive  
24 their part of the forests can be; they have a good  
25 sense about how many moose could be produced on it,



1 they have a good sense of how they can protect their  
2 own tourist operators and they really can provide  
3 advice that can't be provided otherwise.

4 DR. QUINNEY: Yes.

5 MADAM CHAIR: Setting aside how you would  
6 resolve the conflict of whether you vote or not.

7 DR. QUINNEY: Right, that that advice is  
8 very valuable and should be in the mixer, so to speak.  
9 Yes.

10 MR. O'LEARY: Madam Chair, perhaps we  
11 have not yet come up with the final wording for term  
12 and condition 79, but the intent will remain the same  
13 in respect of the fact that where there isn't the 60  
14 per cent majority of public advisory committee members  
15 that are there to support either the proposed timber  
16 management plan or proposed amendment, and that's  
17 defined in the terms and conditions, the entire timber  
18 management plan or that portion in dispute will be  
19 referred for -- will be bumped up.

20 The concern that the other parties have  
21 expressed is that given the wording here it may in some  
22 way fetter the discretion of the Minister of the  
23 Environment to say: No, a hearing in case shouldn't be  
24 allowed or I don't think that it's necessary. It is  
25 frivolous or vexatious, or whatever the terminology is

1 in the act precisely.

2 That's why the change in the wording may  
3 be necessitated, but it still remains that the entire  
4 timber management plan will be referred, as Dr. Quinney  
5 has indicated, for third party arbitration. So it's  
6 not just the timber aspects. It is the entire plan or  
7 that major portion of it that would go.

8 We will be filing that in the next short  
9 while. I think that's correct.

10 DR. QUINNEY: Yes.

11 MS. SEABORN: Madam Chair, if I could  
12 just make a comment at this point.

13 In light of your comments that we are  
14 going to wait and hear further from Mr. O'Leary the  
15 exact wording, I had said at the scoping session that  
16 if we didn't get that term and condition then I wasn't  
17 going to cross-examine Dr. Quinney on the wording that  
18 was in the current terms and conditions.

19 Our objection to the wording of that term  
20 and condition was that it did not speak in any way to a  
21 requirement to prepare an individual environmental  
22 assessment which, in our view, is what bump-up is aimed  
23 at, not at automatic hearings in front of the  
24 Environmental Assessment Board.

25 This is an issue that MOE will address

1 later in the hearing and I think because we don't have  
2 the term and condition in front of us we will have to  
3 deal with it that way. We do have a fundamental  
4 disagreement with the Coalition as to what a bump-up  
5 means.

6 MADAM CHAIR: Thank you.

7 MR. CASSIDY: Maybe if I could just make  
8 a comment, Madam Chair, by way of assistance.

9 I have just had a chance to review while  
10 you were making your I think summation of what the  
11 Anglers and Hunters' position was with respect to the  
12 value of people participating at the local level.

13 One of the terms and conditions -- and I  
14 know, Mr. Martel, you have been very vocal about the  
15 value of the negotiation exercise, but for what it is  
16 worth one of the terms and conditions that was agreed  
17 upon in that negotiation exercise was that the local  
18 citizens' committee, one of their purposes, aside from  
19 it being established and agreed upon, was that they  
20 would assist and participate in the development,  
21 identification and description of objectives,  
22 strategies problem and issues.

23 That's in Section 2 of one of the  
24 appendices which Mr. Illing was successful in having  
25 us negotiate an agreement on.

1           My purpose in raising that is that I  
2       don't think it is seriously an issue between any of the  
3       parties anymore as to what, I think, the thrust of the  
4       Anglers and Hunters' evidence is which you have just  
5       very aptly summarized.

6           MR. MARTEL: There is only one  
7       difference. They take it one step further, Mr.  
8       Cassidy, and they want to vote.

9           I have been just been trying to get clear  
10      in my own mind precisely what it is they're saying and  
11      they're saying: Well, we can object to -- a group can  
12      object, and I just use the example that Dr. Quinney  
13      presented for us, they don't think that the thousand  
14      moose is enough and by a vote of a committee they can  
15      say no.

16          I am just trying to get in my own mind  
17      what really they're saying. That takes it a step  
18      beyond because I'm just trying to determine if they're  
19      suggesting they could by committee vote establish a new  
20      level for a unit. I don't know. I'm just trying to  
21      get clarification, that's all. It goes one step  
22      further than to the point you took it that I was trying  
23      to get at.

24          MR. CASSIDY: We will have some questions  
25      in cross-examination, I think a number of us, because



1 we are interested in that point too, but I was  
2 responding to the basic position.

3 MADAM CHAIR: Where are we, Mr. O'Leary?

4 MR. O'LEARY: I am going to invite Mr.  
5 Stewart to continue.

6 MR. STEWART: The problem I took us into  
7 was because I was running off a pile of overheads and  
8 notes here and had not entered them in as exhibits and  
9 had changed numbers and it forced me into a position  
10 that I was having some problem and not relating some of  
11 the particular activities to the terms and conditions.

12 This is Exhibit 2140 that was entered  
13 this morning as the first overhead. I would just like  
14 to take the Board to term and condition 11 of the  
15 Coalition and relate this graphic specifically to that  
16 term and condition which is the level of applications  
17 of the planning process shall proceed from the general  
18 to the specific.

19 The benefit and supply analysis along  
20 each of those levels relate to term and condition 5  
21 which is the objectives in the timber management plans  
22 specifically dealing with measurable, quantified  
23 objectives for timber supply, population levels for  
24 featured wildlife species, supply of habitat conditions  
25 to meet population objectives for those species and

1 supply of habitat conditions required to maintain  
2 viable populations, supply of forest ecosystem types  
3 for biodiversity, forest recreation opportunities and  
4 values and supply of commercial non-wood products.

5 The fully managed state it is at a very  
6 broad sense. We are not dealing with specific details.  
7 We are using the best of our abilities to forecast out  
8 and coming down the process with increasing levels of  
9 detail, as you can see with respect to access corridors  
10 on the 20-year level, terms and conditions 30 and 31  
11 specifically address the level of activity that we are  
12 recommending take place at the 20-year level; that is:

13 "Primary and secondary access shall be  
14 managed for the next 5 to 20 years using  
15 explicit cause/effect linkages and a  
16 careful weighing of the advantages and  
17 disadvantages in accordance with the  
18 following..."

19 And that there:

20 "Shall be consideration and analysis of  
21 alternative corridors for primary access  
22 for the 20-year period and secondary  
23 access roads for the five-year term."

24 MR. O'LEARY: Q. Can I ask you in  
25 general terms what the difference is in terms of -- I

1 am looking at the overhead now. You are looking at the  
2 fully managed state, one rotation point and you refer  
3 to access network/zones.

4 Can you compare that with access  
5 corridors? What generally is the difference in the  
6 amount and type of information you are talking about  
7 between the two?

8 MR. STEWART: A. It simply relates to  
9 the fact that when we project out the forest structures  
10 over a hundred-year period there is a general idea with  
11 respect to where the wood supplies are going to be and  
12 where the activities will likely be taking place, and  
13 we simply want to be able to project to people that in  
14 the long-term these are areas where access networks are  
15 likely to evolve.

16 Q. What degree of specifi -- I can't say  
17 it. How precise do you have to be at the fully managed  
18 state, one rotation level, in terms of the access  
19 network zones that you are referring to?

20 A. There is not a great deal of  
21 precision required there because there is a substantial  
22 amount of uncertainty about that level in the future.  
23 It's simply a broad overview of your expectation of  
24 where it could be. You're not laying down corridors.

25 Q. Thank you.

1           A. The issue of priority sites relates  
2 to term and condition 23, and the point here is that  
3 the analysis of priority sites is not recommended until  
4 we are at the five-year level. We are not asking on a  
5 20-year plan to lay out in detail where those sites  
6 are. If I may read:

7           "For all priority sites documentation..."

8           This is term and condition 23 on page 6,

9           "For all prior sites documentation shall

10          be prepared outlining the standard

11          prescription, the deviation being

12          proposed and the rationale for the

13          deviation which shall include an explicit

14          quantitative analysis of the

15          environmental costs and benefits and the

16          tradeoffs involved in the decision."

17          MR. FREIDIN: Which term and condition is  
18 that?

19          MR. O'LEARY: 23.

20          Q. Can I ask you again, Mr. Stewart, at  
21 that level are you able to compare for us the degree of  
22 precision that is required at this five-year level in  
23 respect or priority sites and access routes in  
24 comparison to what was done at the 20 year and the full  
25 rotation levels?



1 A. Would you ask that again, please?

2 Q. Can you compare the level of  
3 precision and the amount of information, either  
4 quantity or type, that would be required at the  
5 five-year level in respect of access routes and  
6 priority sites in comparison to that which would be  
7 necessary in terms of the 20-year and the full rotation  
8 of a forest?

9 A. Well, with respect to access, in term  
10 and condition 30, we did suggest that there would be  
11 consideration and analysis of alternative corridors for  
12 primary access at the 20-year period.

13 For the five-year period, we go down to a  
14 secondary level and, if possible and feasible, it would  
15 be nice to show the tertiary road level as well, but  
16 that is not a critical element of our proposal.

17 The priority sites analysis does not come  
18 into play, as I suggested, until we are at the  
19 five-year forecasting level.

20 Q. Thank you.

21 A. We're not suggesting that it is  
22 necessary to go out and survey the whole forest to  
23 determine where all those priority sites are at that  
24 stage.

25 There is information that allows to know

1 where some of these sites are and where they are known,  
2 fine, but we also have an annual component here that  
3 with more investigation we get more detail at the  
4 ground level with respect to those sites.

5 Sticking with Exhibit 2140, page 3, I  
6 would request that the Board turn to terms and  
7 conditions 10 on page 2 and simply relate the steps  
8 that we have in front of us here to the listing of  
9 terms and conditions 10 which are down the left-hand  
10 column, and at the same time would request that the  
11 Board have Exhibit 2062A available to which we will  
12 make reference.

13 The boxes and page numbers that are  
14 listed on the right of this plan sequence here tie into  
15 specific graphic components. To avoid the situation  
16 this morning where I was changing overheads and trying  
17 to ask you to follow back and forth, I would prefer  
18 that you just keep those overheads available and if I  
19 make specific reference to it we will know where we  
20 are.

21 As we covered earlier, the first step is  
22 clearly the identification and definition of the  
23 resources and the compilation of data and that is  
24 demonstrated on page 2 of Exhibit 2062A. If you will  
25 notice box 1, page 2 and that is the type of

1 relationship that exists between the series of steps  
2 and the graphic that you have in front of you.

3 This is at the MU level. It is the  
4 initial stage. It is where we're suggesting that the  
5 data, the information be identified and compiled as  
6 necessary for the FMU.

7 The next step in the process relates to  
8 the design principles and criteria that we talked about  
9 and the formulation of these, and we are suggesting  
10 here that the planning team in conjunction with the  
11 local citizens' committee and the plan author have a  
12 good sense of what the general concerns are at the FMU  
13 level.

14 The intent is to lead on through a  
15 process that will allow the development of a series of  
16 four forest structural alternatives that we are  
17 suggesting people should have the ability to view and  
18 evaluate. That is corresponding to box 1 on page 1 of  
19 Exhibit 2062.

20 Once those design principles that we  
21 discussed and criteria have been identified, steps 3  
22 and 4 which tie very closely together and correspond to  
23 term and condistion 10-3 is the refinement of the  
24 cause/effect relationships for forecasting alternative  
25 forest structures; and step 4, the selection of the

1 timber management prescriptions for each alternative.  
2 They are respectively on box 2 of page 3 for step 3.

3 We are talking here about those  
4 analytical tools that are required for succession  
5 models, GIS, silvicultural guides, et cetera, for the  
6 refinement of the cause and effect relationships.

7 Respecting step 4 which is selecting the  
8 timber management prescriptions for each of the  
9 alternatives, box 2, page 1 on the lower left-hand side  
10 at the bottom relates to that activity.

11 The essence of the importance of this  
12 leads us essentially to step 5 which is the forecasting  
13 of the alternative forest structures and it is the  
14 basis of much of the case that the Coalition has put  
15 forth, is that we have to go through this exercise so  
16 that the alternatives can be developed and demonstrated  
17 and they are given, as you can tell, on box 4, page 1,  
18 also corresponding to box 2 on page 2 on each of the  
19 three pages and box 1, page 3 is the alternative forest  
20 structure analysis.

21 The box on page 2 provides the most  
22 detail in respect to the design principles or the basis  
23 for the options. So that's box 2 on page 2. This is  
24 more or less where we ended up before lunch.

25 Page 1 of the exhibit, I would like to



1 take you through that from step 5 which refers to those  
2 items under option A, the alternative forest  
3 structures, through to step 6 where we are assessing  
4 past operations re the cause and effect analysis of the  
5 resource benefits.

6 Once that is completed and we understand  
7 what the effects of the past have been and we take  
8 fully into account what we have learned, the forecast  
9 of step 7, which are provided on box 5, page 1, which  
10 is the next column over, are the forecast of the  
11 production -- forest production possibilities.

12 So we have gone from the initial stage of  
13 determining what the design principles are, leading  
14 that through the processes of the different forest  
15 structures that could support those processes and  
16 providing them as alternative forecasts.

17 It is essentially at this stage that we  
18 go to a level of public consultation which is the first  
19 open public consultation in the process, and the intent  
20 here is not to come to the public simply with a single  
21 plan, a single opportunity for them to view because the  
22 public wants to know what the alternatives are in many  
23 cases and if they don't have a choice to view and  
24 evaluate all you are asking the public to essentially  
25 do is approve or reject where you are at.

1 MR. MARTEL: To that point, Mr. Stewart,  
2 the active involvement of the citizens' committee is in  
3 what steps up until seven before the first -- because  
4 you are not presenting a plan in the first step.

5 MR. STEWART: No.

6 MR. MARTEL: Just an opportunity for  
7 public participation, the first open house.

8 MR. STEWART: What we are presenting the  
9 public with is the range of alternatives that are  
10 possible with the forest that's out there and the  
11 design principle that support those alternatives.

12 In answer to the question, the local  
13 citizens' committee has been involved since the start  
14 of the plan to contribute their knowledge with respect  
15 to the FMU, their feelings, their concerns about the  
16 design principles.

17 The local citizens, as we suggested  
18 through the process that Dr. Quinney was talking about  
19 and that Madam Chair suggested, have a very strong  
20 understanding of the area in which they live and should  
21 have a good sense of what the types of alternatives are  
22 that would the range of public opinion that they are  
23 facing.

24 MR. MARTEL: Let me just pick one, then.  
25 Select timber management, step 4, how do you envisage

1 the participation of the citizens' committee at that  
2 level?

3 I'm just trying to get a feel for it.

4 MR. STEWART: The primary involvement, as  
5 I suggested, with the citizens' committee comes in at  
6 the process of the design principles and the criteria.

7 MR. MARTEL: Right.

8 MR. STEWART: This is where you are  
9 soliciting their advice, their knowledge, their input.  
10 The planning team then goes on to do a refinement of  
11 the cause/effect relationships and out of that comes a  
12 selection of timber management prescriptions around  
13 each of those alternatives.

14 If the planning team had some problems  
15 with respect to coming to an agreement or understanding  
16 on some of those prescriptions there may be an  
17 opportunity for the local citizens' committee to view  
18 that, but I don't think that that would be the normal  
19 process that would be followed in the development of  
20 any single plan.

21 The local citizens' committee comes in  
22 early, but the point is that we don't want to isolate  
23 them out from any other step in the process if there is  
24 a feeling there their opinion should be had or  
25 required.

1 MR. MARTEL: Essentially then from the  
2 original identification down to the first open house,  
3 after their initial input they would be only called  
4 upon when necessary?

5 MR. STEWART: Yes. Up to these points of  
6 assessing past operations and forecasting the expected  
7 resource products or the alternatives in the forest  
8 structures is a significant technical exercise of the  
9 planning team, primarily the plan author.

10 On the next page, which is page 4 of  
11 Exhibit 2140, and on page 1 of Exhibit 2062A, the next  
12 to option B on forest production possibilities is the  
13 location of the public consultation process one and  
14 once the --

15 MR. FREIDIN: Sorry, where are we again?

16 MR. STEWART: We are on page 1. We are  
17 at step 8, evaluation of alternatives. Step 8,  
18 evaluation of alternatives relates to term and  
19 condition 10 (iv), Is identified on page 1 of Exhibit  
20 2062A to the right of option B, forest production  
21 possibilities, next to box 5 and on page 2 is box 5 --  
22 I'm sorry, box 4, page 2 -- box 5, page 2.

23 Sticking with page 2 of Exhibit 2062A and  
24 relating this to where we are at here, we are  
25 suggesting that once the resource production



1 possibilities, which has given the benefits and costs  
2 for each of the options, have been laid out as  
3 production possibilities for the forest and an  
4 evaluation of those options has occurred and been  
5 exposed to analysis to bring them to commensurate units  
6 for comparison with respect to each of the options the  
7 public consultation would occur at that stage.

8           The intent of the consultation is to come  
9 forth to the public at this stage with some real  
10 alternatives with respect to how management is proposed  
11 to proceed or may proceed; the options that they have  
12 in terms of the proposal. We are looking here for  
13 public input or feedback into the system.

14           MR. MARTEL: Did you not say that in  
15 seven it was the first -- I wrote down first public  
16 consultation was in fact step 7.

17           MR. STEWART: My apologies. The first  
18 consultation is step 8. Step 7 is where the planning  
19 team is going through the forecast of the expected  
20 resource products for each alternate forest structure.  
21 So at step 7 is the actual forecasting.

22           Once they're forecasted and the  
23 alternatives are proposed, then in step 8 the  
24 evaluation of those alternatives leads to a public  
25 consultation process.

1                   At that stage the public has input into  
2                   what they believe to be their response to those  
3                   forecast alternatives and it could be that the public  
4                   would look at these and say: We have large  
5                   disagreement with the alternatives that are being  
6                   forecast to us, go back and come back to us with  
7                   another range of alternatives that are more acceptable.

8                   The process is not bound to do that, but  
9                   if there is public disagreement with what the author is  
10                  proposing as alternative plans, then there would likely  
11                  be some obvious reason why one would want to go back  
12                  through the process and come out with other  
13                  alternatives that are more acceptable.

14                  It may be the identification of some  
15                  refinement, some middle ground that appears to be more  
16                  acceptable that would be a more reasonable range of  
17                  alternatives to look at.

18                  Following this process, the task is to  
19                  identify a preferred option, one of the preferred  
20                  alternatives; which one of the forecast alternatives do  
21                  we prefer to go on with and present in more detail.

22                  That leads to step 10 which  
23                  correspondence to Roman numeral (vi) of term and  
24                  condition 10 which is the specification of precise  
25                  timber and non-timber quantitative objectives to be met

1 over time and space.

2 On Exhibit 2062A, page 2, box 6, is a  
3 graphic representation of what the preferred  
4 alternative may look like.

5 So to recapture a couple of steps. We  
6 develop the alternative forest structures, we have  
7 gone to the public, we believe we have direction to  
8 proceed with an alternative and we wish to specify in  
9 more detail the resource objectives to be obtained with  
10 that alternative.

11 The next stages of steps 11, 12 and 13  
12 lead us through the production of the draft timber  
13 management plan based on the preferred alternative.

14 MR. FREIDIN: 11 to 13?

15 MR. STEWART: Yes. In this we explicitly  
16 quantify the objectives and conduct the detailed net  
17 effects analysis of what the anticipated effects of the  
18 proposed plan will be.

19 Once the draft is complete step 14 which  
20 corresponds to box 8 on page 2 leads us to the final  
21 public participation process.

22 Following that you quite simply move  
23 towards implementation of the plan and the monitoring  
24 program associated with it.

25 MR. O'LEARY: Madam Chair, would it be

1 appropriate to break for 15, 20 minutes?

2 MADAM CHAIR: Yes. Where are we going  
3 after this, Mr. Stewart?

4 MR. STEWART: We are going to fully  
5 describe the public participation process.

6 MADAM CHAIR: Let's take a 20-minute  
7 break. We will be back at three.

8 MR. CASSIDY: Madam Chair, just before we  
9 break I was wondering if we could Mr. O'Leary for a  
10 time frame for those are us that have to make flight  
11 arrangements. Can you indicate when you might finish  
12 your examination-in-chief?

13 MR. O'LEARY: We have been trying to  
14 reduce as we go along. I think that with the leave of  
15 the Board that we could be done probably by the break  
16 first thing tomorrow morning.

17 I am aiming for that. We might be a  
18 little shy of that or a little over, but I think if I  
19 go through it tonight some of the deferrals that have  
20 been passed on have now been answered and I can slash  
21 those out. If that's appropriate, I would like to set  
22 that as the target.

23 MADAM CHAIR: Who will be  
24 cross-examining? Mr. Cassidy, are you first tomorrow  
25 or Ms. Swenarchuk?



1 MR. CASSIDY: Ms. Swenarchuk or Mr.  
2 Baeder will be going first, followed by myself and then  
3 Ms. Seaborn.

4 MADAM CHAIR: Okay. We will be back at  
5 three.

6 ---Recess at 2:40 p.m.

7 ---On resuming at 3:05 p.m.

8 MADAM CHAIR: Please be seated.

9 MR. O'LEARY: Madam Chair, just over the  
10 break we noticed that there was one page missing from  
11 Exhibit 2136. I believe Mr. Hanna has left a copy with  
12 you. If you could just insert that in. Page one for  
13 some reason wasn't reproduced.

14 MADAM CHAIR: Thanks, Mr. O'Leary.

15 MR. O'LEARY: We just passed that out to  
16 all the parties as well.

17 MR. STEWART: My intent here is to finish  
18 up on the public consultation process by providing  
19 somewhat more specifics into what we are proposing  
20 should occur at each of the public consultation stages.

21 I would refer you back to Exhibit 2062A,  
22 page 2, box 5. The page is entitled Planning Forest  
23 Structure for Achieving Integration.

24 At the public consultation stage  
25 following forest production possibilities I suggested

1 that we were looking for input from the public. We  
2 feel that it is important that the information be  
3 presented to the public in a fashion that most of the  
4 public there can relate to and in levels of detail that  
5 does not require each individual to have substantial  
6 skills in technical matters and if they don't that they  
7 will understand what the plans are about.

8 The issues that we would like to be --  
9 the public to have input into are the adequacy and  
10 scope of the alternatives that we have identified, to  
11 determine whether or not there is additional  
12 information that we have not included on the values  
13 map, to seek input with respect to the accuracy of the  
14 information and their knowledge about the area, and  
15 finally what their preference is with respect to the  
16 alternative forecast of forest structures and resource  
17 benefits.

18 The levels of information, as I  
19 suggested, should be presented in a fashion that all of  
20 the public that come to these meetings will have an  
21 opportunity to understand exactly what it is that's  
22 being proposed and not to require every member of the  
23 public to wade through piles of documentation to find  
24 the information that he or she may want.

25 MR. O'LEARY: Q. Just so we are clear,

1 Mr. Stewart, the --

2 MR. STEWART: A. This is 2041.

3 Q. Exhibit 2140.

4 A. 2140, I'm sorry. Page 5.

5 Q. Page 5 and entitled Information

6 Available. This is reference to the information that  
7 will be made available to the public during the public  
8 consultation stage.

9 A. The hierarchy of presentation of  
10 materials should occur such that if a large portion of  
11 the public that are participating in the meeting at  
12 this stage want to know the generalities and the  
13 overviews with respect to what is being proposed that  
14 that should be made available to them in a clear and  
15 understandable fashion.

16 At that level we're proposing that a  
17 comparison of previously forecast and achieved  
18 objectives be clearly stated, that the forecast for the  
19 future potentials be clearly stated for the alternative  
20 forest structures and that the values map be presented.

21 We also recommend that at a higher level  
22 people should have access to information that clearly  
23 defines the design principles used to develop these  
24 alternatives, and I think we can appreciate that at  
25 public meetings today we get a variety of public with a

1 variety of skills and expertise and interests in  
2 management plans and we want to address that by laying  
3 out the information in such a fashion, that the report  
4 of past operations be clearly presented along with the  
5 criteria and weighting that was used for the  
6 silvicultural prescriptions, the information related to  
7 the supply forecast for the timber and non-timber  
8 benefits by alternative.

9           What we are suggesting here is that if  
10 one wishes to look for this kind of information in the  
11 timber management plan that has led to these forests  
12 forecast of alternatives that it be readily available  
13 to the public in a fashion that they can access this  
14 information easily.

15           Q. Mr. Stewart, can I ask you on the  
16 basis of perhaps your experience in Saskatchewan what  
17 percentage of the population do you find would be  
18 interested in viewing documentation at the level you  
19 indicated as level 2? A large number, a small number?

20           A. I would suggest that less than 10 or  
21 15 per cent of people attending the meeting would be  
22 interested in pursuing that type of information. Most  
23 of the public that we see at meetings are local people  
24 who have a concern about what's going in the broad  
25 sense.



1                   Through this hierarchy of sophistication  
2                   of numbers the number of people drop off dramatically.  
3                   Most meetings that we attend we find that we have  
4                   trappers, we have hunters, we have loggers, Indian  
5                   people coming to try to get an overview of what is  
6                   being planned in their area.

7                   There is another level of interest that  
8                   would deal more with site specifics, but the second  
9                   consultation process will provide those opportunities.  
10                  What we are doing here it is just forecasting the range  
11                  of alternatives and seeking the input of people as to  
12                  their preference.

13                  The third level of information that  
14                  should be made available would be for people who wish  
15                  to seriously analyse the basis of the forecast;  
16                  information that was used for the inventory database,  
17                  the detailed cause and effect models for timber and  
18                  non-timber, how were these arrived at, detailed  
19                  information on individual values, non-timber benefits  
20                  database with respect to things like moose population,  
21                  socio-economic data and resource opportunities, timber  
22                  benefit database which represents the mill capacity and  
23                  wood fiber and demand, et cetera.

24                  So through this process any individual  
25                  that wishes to understand the explicit basis of their

1 projections would have the opportunity to have that  
2 information available.

3 DR. QUINNEY: A. If I could just add to  
4 what Mr. Stewart said. The average member of the  
5 public clearly is not really going to want level 3, but  
6 organizations like mine, if we receive a request from  
7 an individual member about, for example, provincial  
8 level targets that may eventually be arrived at,  
9 organizations like my own would certainly like to have  
10 that explicit information, as Mr. Stewart has  
11 mentioned, available to us in case we needed to examine  
12 it.

13 MR. STEWART: A. On page 7 of the same  
14 exhibit, 2140, we have provided the issues for comment  
15 for the second public consultation process which has  
16 been proposed at box 8 on page 2 of Exhibit 2062A.

17 This is the detailed review of the  
18 preferred alternative that has been selected for  
19 presentation. The public is being asked for input with  
20 respect to the acceptability of objectives, the  
21 adequacy and the treatment of priority sites, the  
22 acceptability of the access and allocation plan and  
23 adequate proposed monitoring.

24 Again, we are recommending that the  
25 information be presented in a hierarchical structure to

1 reflect what we believe to be the primary interest of  
2 the people attending the meeting, that at the  
3 overview - this is page 7, I believe - that at the  
4 overview the plan objectives for timber and non-timber  
5 values, the access map, priority sites allocation map;  
6 at level 2, a detailed supply forecast for the timber  
7 and non-timber benefits, a monitoring program that is  
8 being proposed in terms of compliance and local effects  
9 and the priority site planning documentation.

10 With respect to the detail that is being  
11 proposed for level 3 is the same as to be provided at  
12 the public consultation process one.

13 Finally, we would like to draw your  
14 attention to this -- this has been previously entered?

15 MR. O'LEARY: No. You might just put it  
16 up. Put it on the screen.

17 This figure is taken out of actually the  
18 Ministry of Natural Resources January 6 terms and  
19 conditions, but we have added the steps down the  
20 right-hand side. You can see step 1 through 10.

21 MR. FREIDIN: It is at page 30 of Exhibit  
22 2037. That's just where that particular Figure 1 of  
23 that overhead comes from.

24 MADAM CHAIR: That was page 30, Mr.  
25 Freidin?

1 MR. FREIDIN: Yes.

2 MADAM CHAIR: Thank you.

3 MR. O'LEARY: I believe we provided a  
4 loose copy in the package of materials.

5 MADAM CHAIR: You are right, Mr. O'Leary.

6 MR. O'LEARY: Since it is part of another  
7 exhibit I don't propose to mark it as another exhibit,  
8 unless you felt it was necessary.

9 MS. SEABORN: I think this version,  
10 though, is slightly different than MNR's terms and  
11 conditions. It has the step marked on them.

12 MR. O'LEARY: Perhaps it would be  
13 appropriate to mark it as an exhibit, then.

14 MADAM CHAIR: Exhibit 2141.

15 Please describe it, Mr. O'Leary.

16 MR. O'LEARY: It is a copy of Figure 1  
17 from Exhibit 2037 which is the Ministry of Natural  
18 Resources January 6 version of the terms and conditions  
19 taken from page 30. It has been revised to the extent  
20 that down the right-hand side there have been included  
21 the words steps 1 through step 10 opposite a number of  
22 the boxes.

23 ---EXHIBIT NO. 2141: Copy of Figure 1 from Exhibit  
24 2037, page 30, with a revision re  
steps 1 through 10.

25 MR. STEWART: The intent here is to



1 demonstrate the similarity in the public process, the  
2 scheduling of events that are being recommend by the  
3 Ministry of Natural Resources and that of the  
4 Coalition, and I would refer you to Exhibit 2062A one  
5 more time, please, page 1 on the graphs which is  
6 Generalized Layout of Technical Sequence for Plan  
7 Development.

8 We have indicated steps that are located  
9 by arrows across the top here, step 1 and 2, step 3,  
10 step 4 and 5 and step 6. These steps relate to these  
11 steps down the side. Beyond step 6 it is all public  
12 process and we have stopped at step 6 which is  
13 analogous to our public consultation process two.

14 The intent of this is, again, to simply  
15 demonstrate that we have very little problem with the  
16 public consultation process in terms of sequence that  
17 has been proposed and that of the Coalition is quite  
18 similar.

19 MADAM CHAIR: Except for the steps 11,  
20 12...

21 MR. STEWART: I'm sorry. Exhibit 2062A  
22 indicates steps 1 and 2 by arrow across the top which  
23 respond to those listed down the right here. Step 3 --

24 MADAM CHAIR: I understand what you are  
25 saying, but what about the steps in the overall

1 management planning that you propose? You have got 16  
2 steps.

3 MR. O'LEARY: You are referring, Madam  
4 Chair, to the --

5 MR. STEWART: We are not talking to those  
6 ones, Madam Chair. The confusion is that steps are  
7 being used twice in the presentation here.

8 The steps that are proposed as part of  
9 the planning sequence are not related to those that are  
10 tied to the public consultation process that MNR has  
11 recommended.

12 So what I suggest is that there is no  
13 relationship directly between these steps and the ones  
14 that are proposed by the Coalition as part of Exhibit  
15 2140.

16 MR. FREIDIN: Are the steps on the  
17 right-hand side of that the number of steps set out by  
18 the Ministry, step 1, 2, 3 and 4?

19 MR. O'LEARY: Madam Chair, maybe I might  
20 assist here just in respect of your question. The  
21 steps set out on Exhibit 2140 at page 3 and 4, step 1,  
22 step 2, step 3, the references to those steps, just the  
23 use of those terms, step 1 and 2, there isn't intended  
24 in this presentation to be any connection with the  
25 steps identified on what we have now marked Exhibit

1 2141.

2 That was inserted simply to make  
3 reference back to Exhibit 2062A where you will see we  
4 have indicated step 1 and 2, step 3, step 4 and 5 and  
5 step 6. That's the only connection between the two.  
6 We are talking about the public consultation process  
7 and how it would fit in in terms of what the MNR's  
8 overall plan is.

9 Mr. Stewart indicated that there was a  
10 great deal of similarity in that respect. There wasn't  
11 an intention to be able to take steps from Exhibit 2141  
12 and refer to...

13 MR. MARTEL: But even 5, MNR review of  
14 draft plan...

15 MR. O'LEARY: Q. Mr. Stewart, perhaps  
16 you could help us out in that respect.

17 If we look at step 5 and go to Exhibit  
18 2062A, which boxes are you looking at on page 1 of  
19 Exhibit 2062A and what is occurring at that stage?

20 MADAM CHAIR: I think we are going to  
21 have to get Mr. Martel to take the elevator and forget  
22 all these steps. It's not working out.

23 MR. STEWART: The problem is there is  
24 some similarity on some of them, but it breaks off at  
25 some point.

1 MADAM CHAIR: Yes, the wording is the  
2 same.

3 MR. STEWART: That wasn't the intent of  
4 the presentation. So by coincidence --

5 MADAM CHAIR: We accept the point that  
6 you are saying that the Coalition's public consultation  
7 process is very similar with respect to the  
8 organization of MNR's propose public consultation and  
9 we take that from Exhibit 2141 and Exhibit 2062A.

10 MR. FREIDIN: The evidence was, Madam  
11 Chair, that the sequence was similar.

12 MADAM CHAIR: Thank you, Mr. Freidin.

13 MR. O'LEARY: I apologize. It does look  
14 like Arthur Murray was responsible for preparing the  
15 step sequence here, but...

16 Madam Chair, we would like to move into  
17 another area which is the annual work schedule, annual  
18 planning sequence. You will be happy to see there are  
19 no steps in this one.

20 MR. MARTEL: I'm saved.

21 MR. O'LEARY: Q. Perhaps I could ask  
22 both Dr. Quinney and Mr. Stewart if they could help us  
23 out by...

24 DR. QUINNEY: A. Yes. We are just going  
25 to walk through a timing schedule for the production of



1 the annual work schedule in the OFAH/NOTO planning  
2 process.

3 Just before I do, in Exhibit 2140 on the  
4 second page, Mr. Stewart outlined the various levels of  
5 planning horizons and clearly with reference to the  
6 annual work schedule planning sequence we are down at  
7 the bottom, annual scheduled -- area scheduled for  
8 operations. The lowest planning horizon of that.

9 MR. MARTEL: Could I ask you, I won't ask  
10 you what step it is, but where would I find this annual  
11 work schedule and in what exhibit?

12 MS. MANN: The package that you were  
13 given yesterday.

14 MR. MARTEL: We were given lots of  
15 packages yesterday.

16 MADAM CHAIR: We have the single sheet.

17 MR. O'LEARY: Perhaps we could that mark  
18 that as the next exhibit.

19 MADAM CHAIR: All right. Let's mark that  
20 as Exhibit 2142. Could you describe that, Mr. O'Leary.

21 MR. O'LEARY: The hard copy of an  
22 overhead projection entitled Annual Work Schedule  
23 Planning Sequence and graphic depiction of the  
24 Coalition's process of implementing the annual work  
25 schedule.



1 funds that are going to be available for timber  
2 management activities to implement that annual work  
3 schedule, and box labelled 3, Evaluation of the  
4 Available Areas for Operations in the Timber Management  
5 Plan, there is going to be then a search of the  
6 eligible stands to choose which stands which will  
7 chosen to be cut for the next year.

8 That leads to -- that took place in month  
9 one, leading to months two and three where a selection  
10 of the area for operations and a detailed design of the  
11 initial silvicultural prescriptions occur; in other  
12 words, where the cuts are going to take place and in  
13 what patterns.

14 You will notice at that stage; in other  
15 words, the box labelled 4, months 2 and 3, we have  
16 input from the local citizens' committee.

17 During months 4 to 7, the box labelled 5,  
18 various field surveys are conducted from mid May to mid  
19 September, activities such as laying out the boundaries  
20 of the cuts. These are the months also when the  
21 Coalition's on-site reconnaissance surveys would take  
22 place.

23 Q. Dr. Quinney, do you know which  
24 precisely term and condition that is in respect of box  
25 5?

1           A. Yes. That would be the Coalition's  
2 term and condition No. 106. Those on-site biological  
3 reconnaissance surveys are conducted at a time of year  
4 meant to maximize the chance of detecting those values.

5           Following box No. 6, occurring in month  
6 8, you are finalizing the areas chosen for cutting and  
7 the associated prescriptions.

8           Once that's been done in box 7 during  
9 month 9 that is being checked against the existing  
10 timber management objectives, both the timber and  
11 non-timber objectives. Presumably there wouldn't be  
12 any discrepancies. Again, you can see a local  
13 citizens' committee review at that point.

14           Box 7 followed by box 8 where we have --  
15 the Coalition is requesting that the annual work  
16 schedule be subjected to public review and we've given  
17 months 10 to 12 for that annual work schedule to be  
18 reviewed by the public and approved.

19           That, of course, would then be followed  
20 by implementation of the annual work schedule and  
21 monitoring of those activities.

22           Q. Thank you. Now, I have a couple of  
23 questions that arise out of the witness statement.

24           Can I ask either or both of you whether  
25 there are any substantial differences between the role



1 of annual work schedules in the Ministry of Natural  
2 Resources' timber management planning process and that  
3 proposed by the Coalition?

4 DR. QUINNEY: A. Well, yes, there are  
5 differences. In the current MNR planning process, the  
6 annual work schedule is simply a reiteration of the  
7 contents of the timber management plan that are  
8 relevant to the activities being proposed to take place  
9 over the next one-year period.

10 In the Coalition's proposal, what we're  
11 requesting is that the annual work schedule not only  
12 provide such a listing from the timber management plan  
13 of those proposed activities, but to also provide more  
14 detailed information so that the public has an  
15 opportunity to review those details and provide  
16 comments.

17 Really, we feel this is the only  
18 practical stage at which the public can comment before  
19 the operations on the ground on an annual basis are  
20 going to take place.

21 A summary of what I have just said can be  
22 found in our terms and conditions Nos. 105 through 109.

23 MR. MARTEL: Can I ask you why, Dr.  
24 Quinney, it is going to take a year to do this?

25 DR. QUINNEY: Well, I don't believe that

1 that is terribly different from the existing situation.

2 Why it will take a year is -- well, just  
3 as an example, a block of time will be necessary over  
4 which those field surveys can be conducted, the  
5 selection of areas for operation. I don't think this  
6 is a lengthy -- unusually lengthy period of time to  
7 plan.

8 MR. STEWART: No, it is an ongoing  
9 process.

10 MR. MARTEL: Can it be done sooner? I  
11 guess I'm trying to find out why you put a 12-month  
12 time frame on that. It seems that you are building in  
13 a process that might be done saving the industry time  
14 and the Ministry time in a much shorter period.

15 DR. QUINNEY: It is something, of course,  
16 that occurs every year regardless.

17 MR. MARTEL: I understand that. It might  
18 take three months, though. You might be able to do it  
19 in three months.

20 I am simply saying, why do you build in  
21 the months as opposed to -- you seem to be restricting  
22 the flow of it. You might get one of those things done  
23 in a week and a half. What do you do then, just wait  
24 automatically until the month is up and start the next  
25 month, is what I am asking?

1 DR. QUINNEY: Well, as an example, just  
2 taking into account our term and condition 106 where we  
3 have asked for these on-site reconnaissance biological  
4 surveys for those areas that are going to be subject  
5 for harvest in the next year, there is a window of time  
6 where it will be most easy to detect those values, for  
7 example the spring and the summer months.

8 MADAM CHAIR: Isn't the evidence before  
9 us that you do moose inventories in the winter?

10 DR. QUINNEY: Yes, and that would be an  
11 example of where for that particular non-timber value  
12 the information could be collected outside of that  
13 period of time. You're quite right.

14 MR. MARTEL: I only ask a simple  
15 question. Why do you build in 12 months when something  
16 could be done in three months or maybe four months?

17 Why do you restrict it and say: Month  
18 one -- let's say the process starts in March and April  
19 you have for the first step, is month one, and you have  
20 to wait until April to do months 2 and 3 to select the  
21 area of operation and design initial silvicultural  
22 prescriptions and then you have to wait for two months  
23 more to get into the field surveys?

24 I mean, are you not in your plan  
25 restricting the ability to do the work in a shorter

1 Q. All right. I appreciate that, but in  
2 the absence of any objections is it possible that the  
3 time frame that's indicated in Exhibit 2142 might be  
4 shortened?

5 A. Frankly, I don't see how.

6 Q. All right. Now, in response to  
7 question 64 in the witness statement you state:

8 "What changes in the level of detail  
9 provided are proposed?"

10 Sorry, that's the question. You state:

11 "It is proposed that the level of detail  
12 typically included in a project plan to  
13 be included in the annual work schedule  
14 for all planned activities."

15 Can I ask you what you mean by the term  
16 project plan?

17 MR. FREIDIN: What question is that?

18 MR. O'LEARY: Question 64, page 48, Mr.  
19 Freidin.

20 MR. FREIDIN: Thank you.

21 DR. QUINNEY: What I was referring to  
22 there was level of detail provided -- level of detail  
23 to be provided, for example, to obtain a cutting permit  
24 for a specific stand of trees.

25 I mean, that cutting permit is going to



1 set out the extent of the cut, the nature of the  
2 operations that, of course, are regulated by MNR.  
3 There has to be got to be sufficient detail in the  
4 annual work schedule for the public to get an  
5 appreciation of exactly what's going on at the site  
6 specific level. That's the intention.

7 MR. O'LEARY: Q. All right. Moving on  
8 to page 50 of the witness statement, you state in the  
9 third paragraph, the second line, again we are still  
10 dealing with the annual work schedule, you state:

11 "In essence the public is being asked  
12 during the preparation and approval of  
13 the timber management plan to trust the  
14 Ministry and the forest company and there  
15 are no significant features in areas  
16 being proposed for areas of operations  
17 despite no thorough on-site surveys  
18 having been conducted. This trust must  
19 be recognized and responsibly addressed  
20 through the annual work schedule process.  
21 being proposed."

22 Can I ask what you mean by the public is  
23 being asked to trust the Ministry and the forest  
24 company?

25 DR. QUINNEY: A. Essentially MNR is

1 saying these detailed concerns will be taken care of  
2 during plan implementation and we feel that the  
3 submission of the annual work schedule then is going to  
4 be the last opportunity, if you like, for public review  
5 before that work is done on the ground.

6 Before it was basically: Trust us, it  
7 will be done. Well, why not give the public an  
8 opportunity to actually see what will be carried out on  
9 the ground.

10 Q. Can I ask you why you say in that  
11 response that this thrust must be recognized and  
12 responsibly addressed through the annual work schedule  
13 process?

14 A. Well, again, MNR has asked for the  
15 people's trust here. So a demonstration of that would  
16 be to simply show the people what is going to occur.

17 MR. O'LEARY: Madam Chair, rather than  
18 get into another area that might run on past four  
19 o'clock, I thought I would try and deal with a number  
20 of small areas now, if that's appropriate.

21 I thought we might deal with, if it's  
22 appropriate, Exhibit 2096 and that is the document that  
23 we replaced in relation to the four featured species,  
24 the update, and I just have a couple of questions for  
25 Dr. Quinney now.

1 distinguished between generalist and specialist.

2 I also said that if wildlife species  
3 identified by Baker in '88 neither breed in the forest  
4 region under consideration; that is, boreal or Great  
5 Lakes/St. Lawrence, nor depend upon the forest  
6 structure for habitat, then they would be excluded from  
7 the analysis. So those were prerequisites for the  
8 analysis.

9 Then on pages 2 and 3, I provide precise  
10 definitions of the different criteria. For example,  
11 criterion 1A was level of existing knowledge -- 1A  
12 level of existing knowledge of habitat and the precise  
13 definition of 1A, level of existing knowledge of  
14 habitat requirements. The ratings from 1 to 5 are  
15 shown there and a description beside each.

16 So, again, I just wanted to give the  
17 Board a precise definition of the criteria rates that I  
18 used.

19 MADAM CHAIR: Dr. Quinney, could you  
20 remind the Board. The four featured species that the  
21 Coalition is recommending additionally came from this  
22 exercise?

23 DR. QUINNEY: Yes.

24 MADAM CHAIR: Did you do this yourself or  
25 did the staff at --

1 DR. QUINNEY: Both. I had assistance.

2 Then pages 4 to 12 represent then the  
3 ratings for the species in the boreal forest and pages  
4 14 -- actually, it's 13 to 22, are the ratings for the  
5 species in the Great Lakes/St. Lawrence Forest.

6 Again, essentially you have seen these  
7 tables. They were submitted in the draft version in  
8 Panel 6.

9 Then pages 23 to 32 are additional to  
10 what you had seen before and I added these in response  
11 to Mr. Freidin's additional request to show weights  
12 that were used to arrive at the various selected  
13 species. So page 23, then, yes, providing the  
14 weightings.

15 Three alternatives are shown there.  
16 Alternative one emphasizing cost effectiveness; two,  
17 emphasizing reliability; three, emphasizing  
18 socio-economic return.

19 The following pages, 24 to 32, are the  
20 rankings of the individual species. The point being  
21 here that it's a demonstration that we have taken care  
22 in choosing these featured species and we believe they  
23 are the best choices.

24 You will see if you compare the ranking  
25 results of alternative 1 versus alternative 2 versus



1 alternative 3 that the species that come out on top  
2 come out on top consistently. Those being the moose  
3 and pine marten in the boreal forest and the  
4 white-tailed deer and the pileated woodpecker in the  
5 Great Lakes/St. Lawrence Forest.

6 I will just mention one last thing with  
7 reference to the rankings that took place that are  
8 shown at pages 24 to 32. At the bottom of page 23 I  
9 explain under the category Ranking that for each forest  
10 region one generalist featured species plus one  
11 specialist featured species was desired to ensure that  
12 patch size and pattern considerations plus tradeoffs  
13 between both sets of wildlife communities were  
14 captured.

15 As a result, species in both forest  
16 regions were first sorted by their habitat affiliation.  
17 In fact, factor 6 means that generalist versus  
18 specialist. We sorted them via specialist, sorted them  
19 by generalist and that's how the ranking was done.  
20 Each species was then ranked within each sorted group  
21 on the remain criteria; in other words, at the outset  
22 we are saying it was important to have one generalist  
23 featured species plus one specialist featured species  
24 and the rationale for that patch size, pattern and the  
25 trading off.

1                   So just to conclude then, I believe we  
2                   have come up with the best mix of species to feature in  
3                   each of the boreal forest and the Great Lakes/St.  
4                   Lawrence Forest.

5                   Q.   Thank you, Dr. Quinney.   The other  
6                   filing that was made yesterday is Exhibit 2130 and  
7                   that's the Coalition's undertaking in respect of term  
8                   and condition 5 in respect of -- the heading in the  
9                   terms and conditions is Objectives in Timber Management  
10                  Plans, and Exhibit 2130 consists of a six-page response  
11                  to that and I certainly don't want you to go through  
12                  that and read that, but I was wondering if you had any  
13                  additional comments that you would like to make in  
14                  respect of that undertaking and term and condition 5?

15                  A.   If I may just highlight perhaps four  
16                  or five points from that undertaking for the Board.  
17                  By highlighting, I mean what I would really like to  
18                  emphasize in the undertaking that I have provided.

19                  It would be, for example, page 2,  
20                  paragraph 2, first sentence, that our term and  
21                  condition here does not dictate the methodologies that  
22                  need to be employed in producing measurable,  
23                  quantifiable objectives.   We are leaving flexibility to  
24                  MNR, to the planning team, to the plan author, to the  
25                  LCC.

1 I would also highlight on page 4 under  
2 the heading of Practicality, the second full paragraph,  
3 that the level of detail and precision is not prescribed  
4 in any way whatsoever.

5 What we are saying is proceed in timber  
6 management planning using the best information  
7 available at the time and we will improve that  
8 information over time.

9 The question has been posed: Is it not  
10 easier to forecast wood supplies as compared to the  
11 supply of, say, camping opportunities.

12 My answer is absolutely not, that future  
13 wood supplies depend on the future structure of the  
14 forest. Wood supply models used by the Proponent,  
15 forecast on a stand-by-stand basis the development and  
16 status on the forest landscape, and as you heard Mr.  
17 Stewart say yesterday, in the case of the Red Lake  
18 Crown management unit that forecasting of wood supply  
19 is over a 200-year time horizon.

20 What the Coalition is saying is that this  
21 forecast of the forest structure is exactly what's  
22 required to forecast habitat for wildlife, habitat for  
23 Mr. Dickson's remote tourism operations, habitat for  
24 Crown land recreation like camping, like canoeing.

25 The point, again, being that these



1 forecasts of the non-timber benefits are dependent on  
2 the forest structure and they can be forecast into the  
3 future, at least as far as wood supply forecasts go.

4 The final highlight I would like to make  
5 on page 5, second last full paragraph, exactly the same  
6 tools as are required to forecast wood supplies from  
7 stand development models; that is, yield curves, are  
8 required for non-timber benefits.

9 The parameters in the yield curves will  
10 vary by forest benefit, be it wood fiber, moose, remote  
11 tourism or camping. Yield curves have been developed  
12 for wood fiber, moose, marten, pileate woodpeckers and  
13 white-tailed deer in addition to a great number of  
14 other forest benefits.

15 The point being the tools are already  
16 available. We can start doing that.

17 MR. O'LEARY: Madam Chair, seeing the  
18 time of day I thought now might be an appropriate time  
19 to break.

20 MADAM CHAIR: Thank you, Mr. O'Leary.

21 Thank you, gentlemen. We will see you  
22 tomorrow morning at nine o'clock.

23 ---Whereupon the hearing was adjourned at 4:00 p.m., to  
24 be reconvened March 5, 1992 commencing at 9:00 a.m.

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